

May 13, 1996
7:00 PM

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

1. **Pledge of Allegiance**
2. **Roll Call**
3. **Consideration of Minutes of Preceding Meetings**
4. **Presentations**
 - A. Meritorious Citizen Service Award - Kyle Palmer
 - B. NRPA Excellence in Aquatics Award
 - C. CDOT Silver Buckle Award
 - D. Proclamation re Public Works Week
5. **Citizen Communication (5 minutes or Less in Length)**
 - A. Sim Vihn re Water Billing Policy
6. **Report of City Officials**
 - A. City Manager's Report
7. **City Council Comments**

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

8. **Consent Agenda**
 - A. Bids re Replacement Sign/Utility Truck
 - B. Bids re Big Dry Creek Parallel Interceptor Sewer
 - C. 72nd Avenue Improvements - Phase Three Construction
 - D. CB No. 22 re Prime Computer Sale (Harris-Allen)
 - E. CB No. 23 re 1995 Carryover & Incentive Funds (Allen-Scott)
 - F. CB No. 24 re Huron St Improvements Funds (Allen-Dixon)
 - G. CB No. 25 re Carlson Land Acquisition (Scott-Merkel)
 - H. CB No. 26 re Temporary Land Use Moratorium (Harris-Dixon)
9. **Appointments and Resignations**

None
10. **Public Hearings and Other New Business**
 - A. IGA re Clear Creek County Jail Space
 - B. Resolution No. 21 re Clear Creek County Jail Space
 - C. Open Space Purchase along Walnut Creek
 - D. Big Dry Creek Trail Contract
 - E. IGA with Adams County re Jim Baker Reservoir Recreation
11. **Old Business and Passage of Ordinances on Second Reading**

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

CITY OF WESTMINSTER, COLORADO
MINUTES OF THE CITY COUNCIL MEETING
HELD ON MONDAY MAY 13, 1996 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE:

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

ROLL CALL:

Present at roll call were Mayor Heil, Mayor Pro Tem Dixon and Councillors Harris, Merkel, Scott and Smith. Also present were William Christopher, City Manager; Martin McCullough, City Attorney; and Michele Gallegos, City Clerk. Absent was Councillor Allen.

CONSIDERATION OF MINUTES:

A motion was made by Merkel and seconded by Scott to accept the minutes of the meeting of April 22, 1996 with no additions or corrections. Councillor Smith requested to abstain as he was not present at the meeting. The motion carried with Councillor Smith abstaining.

A motion was made by Merkel and seconded by Scott to accept the minutes of the meeting of May 6, 1996 with no additions or corrections. The motion carried unanimously.

PRESENTATIONS:

Mayor Heil and Fire Chief Jim Cloud presented the Meritorious Citizen Service Award to 9 year old Kyle Palmer for his act of heroism in saving the life of his mother.

Dr. Kent Blumenthal, NRPA Regional Director, presented the 1996 Excellence in Aquatics Award to the City which was accepted by Recreation Supervisor Ruthie Rogers and Pool Manager Stacy Davis.

Mayor Heil presented a proclamation to Street Operations Foreman Pat Sexton proclaiming the week of May 19-25 as Public Works Week in the City of Westminster.

CITIZEN COMMUNICATION:

Sim Vinh, 11030 Lamar Circle, addressed Council regarding the length of time it took for him to be notified of a water shutoff at his rental property.

Kevin Gross, 4901 W. 93rd Avenue, addressed Council with concerns on the change to the ODP for Circuit City allowing an automobile bay for the installation of stereo equipment.

Don Aspenwall, 4873 W. 93rd Avenue, addressed Council with the same concerns regarding the development of City Center.

SILVER BUCKLE AWARD PRESENTATION:

Duke Smith of the Colorado Department of Transportation, presented the Silver Buckle Award to Mayor Heil and Police Chief Dan Montgomery and recognized the efforts of Sergeant Judy Sample and Police Officer John Buckley of the Police Department Traffic Unit.

CITY COUNCIL COMMENTS:

Councillor Merkel stated that the Mountain Man Festival will be held May 31 through June 2 at Jim Baker Reservoir and the proceeds will be used to purchase the 30 acre Cooley Lakes at 5600 Tennyson as a youth camp. She suggested City Council consider financial support to assist the Historical Society in this purchase.

Mayor Pro Tem Dixon reported on the Hmong dinner she and Councillor Scott attended at the Natural Museum of History, and that the Hmong will be at the Memorial Day services at Fort Logan National Cemetery.

Mayor Heil reported that the City was awarded the Community Partnership Award by Front Range Community College and that Public Works & Utilities Director Ron Hellbusch was selected as one of the American Public Works Association's 1996 Top Ten Public Works Leaders. The Mayor also noted that the City has been awarded \$672,000 in CDBG funds.

Mayor Heil attended the RSVP Banquet which recognized a Westminster resident who had 20 years of Volunteer Service and that the City would also be sending a congratulatory letter to this citizen. The Mayor reported that all third graders were required to learn about the history of the city they lived in and tours were being conducted with all schools before the end of the school year. The Mayor also noted she will be co-host on a radio show on the philosophies regarding youth activities with Mayor Webb, which is being sponsored by the Metro Mayors Caucus on Youth Activities.

Mayor Pro Tem Dixon stated Community Development is looking into funding for the HUD 203K program, and that she had received a letter thanking the Mayor for holding the Mayors Breakfast meetings, and that the meetings were a good idea.

CONSENT AGENDA:

The following items were considered as part of the consent agenda: Bids for replacement Sign/Utility Truck and the Big Dry Creek Parallel Interceptor Sewer; 72nd Avenue Improvements Phase Three Construction; Councillor's Bill No. 22 re Prime Computer Sale; Councillor's Bill No. 23 re 1995 Carryover & Incentive Funds; Councillor's Bill No. 24 re Huron Street Improvements Funds; Councillor's Bill No. 25 re Carlson Land Acquisition; and Councillor's Bill No. 26 re Temporary Land Use Moratorium. 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 Heil requested that Items 8C, 72nd Avenue Improvements and Item 8H, Councillor's Bill No. 26 re Temporary Land Use Moratorium, be removed from the Consent Agenda.

A motion was made by Harris and seconded by Smith to adopt the remaining Consent Agenda items as presented with the recommendation stated on the Council agenda memorandums. The motion carried unanimously.

72ND AVENUE IMPROVEMENTS - PHASE THREE CONSTRUCTION:

A motion was made by Dixon and seconded by Merkel to authorize the expenditure of \$534,000 for the City's share of construction costs for the third phase of the 72nd Avenue Improvements Project and charge these expenses to the appropriate project account in the General Capital Improvement Fund Project Account and concur in the award of the contract to A. S. Horner, Inc. by the Colorado Department of Transportation. The motion carried unanimously.

COUNCILLOR'S BILL NO. 26 - TEMPORARY LAND USE MORATORIUM:

A motion was made by Harris and seconded by Dixon to adopt Councillor's Bill No. 26 on second reading imposing a temporary moratorium affecting certain uses in the Westminster Economic Development Authority Urban Renewal District for 90 days, and affecting certain uses Citywide effective May 6, 1996 until December 31, 1996 or until the Comprehensive Land Use Plan is adopted and implemented by City Council, whichever comes first. Planning Manager Larry Hulse gave a brief explanation on the moratorium. Upon roll call vote, the motion carried unanimously.

IGA WITH CLEAR CREEK COUNTY SHERIFF'S DEPARTMENT:

A motion was made by Harris and seconded by Smith to authorize the City Manager to sign an Intergovernmental Agreement with the Clear Creek County Sheriff's Department to provide transportation and bed space for Westminster Municipal Court prisoners in the Clear Creek County Jail. Municipal Court Judge Stipech was present to address Council. The motion carried unanimously.

RESOLUTION NO. 21 - CONTINGENCY TRANSFER FOR JAIL SPACE FUNDING:

A motion was made by Harris and seconded by Merkel to adopt Resolution No. 21 approving a contingency transfer in the amount of \$24,000 to provide additional funds for housing of prisoners to fully address issues related to Adams County bed space limitations.

Upon roll call vote, the motion carried unanimously.

OPEN SPACE PURCHASE ALONG WALNUT CREEK:

A motion was made by Dixon and seconded by Merkel to authorize the City Manager to execute the necessary documents to purchase for the Open Space Program, approximately 20.9 acres of land at a cost of \$398,145 from Tronox Associates, charge the expense to the Open Space Fund, and accept the dedication of 5.0 acres and the donation of 1.1 acres for a future neighborhood park. The motion carried unanimously.

BIG DRY CREEK TRAIL CONTRACT:

A motion was made by Smith and seconded by Merkel to authorize the City Manager to sign a contract with the low bidder, TranSystems, in the amount of \$43,230 for design and engineering services related to the Big Dry Creek Trail project, and charge this expense to the appropriate project account in the 1996 General Capital Improvement Fund. The motion carried unanimously.

IGA WITH ADAMS COUNTY FOR JIM BAKER RESERVOIR RECREATION:

A motion was made by Scott and seconded by Merkel to authorize the Mayor to sign the Intergovernmental Agreement with Adams County regarding public access to the Jim Baker Reservoir. The motion carried unanimously.

MISCELLANEOUS BUSINESS:

Council reviewed the first quarter Activity Report and Insurance Report.

Mayor Heil stated there would be an Executive Session to discuss a Court Case decision and settlement.

ADJOURNMENT:

The meeting was adjourned at 8:42 P.M.

ATTEST:

Mayor

City Clerk

Date: May 13, 1996
Subject: Meritorious Citizen Service Award
Prepared by: Marc Lumpkin, Fire Department Intern

Introduction

The Mayor, on behalf of City Council and with the assistance of members of the Westminster Fire Department, is requested to award the Meritorious Citizen Service Award to Kyle Palmer. Kyle is the son of Kelli and Kevin Palmer of 1331 West 133rd Way, Westminster.

Summary

On April 10, 1996, 9-year-old Kyle Palmer saved his mother's life by performing the Heimlich maneuver on her when she choked on a piece of food. Kyle dialed 911, prevented his mother from lying down, and performed the Heimlich maneuver.

At times of great stress, many people are unable to perform certain acts necessary to save a person's life. The Fire Department credits Kyle Palmer for his quick thinking and calm presence in the face of an emergency which resulted in the saving of his mother's life.

Staff Recommendation

The Mayor present the Meritorious Citizen Service Award to Kyle Palmer for his act of heroism in saving the life of his mother.

Background Information

Westminster resident Kelli Palmer was preparing her children for school and trying to eat breakfast in a hurry when she got a piece of food lodged in her throat. She grabbed her throat and pounded on the table to get her children's attention. Her son, Kyle, asked his mom if she was OK. When she shook her head "no," he dialed 911. Meanwhile, Kelli panicked and dropped to the floor. Kyle told her calmly to stand up. After Kelli's daughter told her that her face was turning blue, Kyle reached around his mom and performed the Heimlich maneuver on her. He gave two hard thrusts on her stomach, and the piece of food flew out of her mouth just as Westminster Fire and Rescue personnel walked in the door. Fire Department personnel examined Mrs. Palmer for injuries, but because of the boy's actions, she did not have to be transported to the hospital.

The Fire Department also recognizes AT&T and Cheryl Beumer of the North Metro Fire/Rescue Authority for teaching Kyle during school classes how to dial 911 and how to perform the Heimlich maneuver.

Respectfully submitted,

William M. Christopher, City Manager

Date: May 13, 1996
Subject: NRPA Excellence in Aquatics Award
Prepared by: Laura Magnetti, Recreation Supervisor

Introduction

City Council is requested to accept the National Recreation and Park Association's (NRPA) 1996 Excellence in Aquatics Award from Kent Blumenthal, NRPA Regional Director of the Western Service Center.

Summary

The Department of Parks, Recreation and Libraries has been chosen National Recreation and Park Association's Class III (population 50,000-100,000) winner of the 1996 Excellence in Aquatics Award. The award was presented to Staff at the National Aquatic Conference in Palm Springs, California on March 10. Ruthie Rogers will attend the Council meeting to represent City Staff as this award is presented to the Mayor and City Council. The following City Staff will also attend the award presentation: Ken Watson, Recreation Facilities Manager; Ruthie Rogers, Greg McSwain, and Deb Larsen, Recreation Supervisors.

Staff Recommendation

Accept the 1996 Excellence in Aquatics Award plaque from Kent Blumenthal.

Background Information

The Excellence in Aquatics Award annually honors communities who demonstrate excellence in managing, planning, and programming diversified aquatic interests. Specifically, the award addresses needs assessment techniques, facilities, attendance, problem solving techniques, staff training, promotion, financial and staff resources, accessibility, community and special interest group involvement, and staff involvement on a local, state, and regional level.

Westminster Parks, Recreation and Libraries won the National Aquatics Award in 1990, the year of the program's inception. As a 1990 winner, Westminster was not eligible to reapply until 1996 and again captured the award in the Class III Division, communities with populations of 50,000 to 100,000.

Respectfully submitted,

William M. Christopher
City Manager

Date: May 13, 1996
Subject: Silver Buckle Award
Prepared by: Al Wilson, Patrol Lieutenant

Introduction

City Council's participation is requested in the presentation of the Silver Buckle award to the Westminster Police Department Traffic Unit.

Summary

Mr. Duke Smith of the Colorado Department of Transportation, is present tonight to formally present the "Silver Buckle Award" to the Westminster Police Department. This award will be presented based upon the enforcement effort within the Police Department. Within similar sized cities, Westminster's seatbelt enforcement effort ranked second overall. Traffic Sergeant Judy Sample and Senior Police Officer John Buckley are present here tonight to accept the award.

Staff Recommendation

City Council recognizes the presentation of the Colorado Department of Transportation "Silver Buckle Award" by Mr. Duke Smith to Sergeant Judy Sample and Senior Police Officer John Buckley on behalf of the Westminster Police Department.

Background Information

Mr. Duke Smith of the Colorado Department of Transportation (CDOT), has contacted Police Chief Dan Montgomery in reference to awarding the Westminster Police Department the "Silver Buckle Award." This award is presented yearly to police departments judged to have exemplary programs in the community which are oriented toward voluntarily increasing the use of seatbelts by the motoring public. The award is based on educational efforts, as well as enforcement of the current seatbelt statues and ordinances. The Westminster Police Department was a runner-up in the 1995 program.

Respectfully submitted,

William M. Christopher
City Manager

Date: May 13, 1996
Subject: Proclamation re Public Works Week
Prepared by: Sam LaConte, Street Operations Manager

Introduction

The Mayor, on behalf of City Council, is requested to proclaim the week of May 19-25, as "Public Works Week" in the City of Westminster.

Summary

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

1. Poster displays and brochures will be available at City Hall, City Recreation Centers, City Libraries and the Westminster Mall.
2. Tours of the Municipal Service Center will be available upon request throughout the week. Due to construction, tours will not be available at the Big Dry Creek Wastewater Treatment Plant or the Semper Water Treatment Plant this year.
3. There will be a display booth from 10:00 a.m. until 8:00 p.m. at the Westminster Mall on May 20 and 21, staffed by Public Works and Utilities employees. The display will provide a video presentation, posters and brochures related to municipal services provided by Westminster's Public Works and Utilities Department. Pens and keychains will be distributed, along with a drawing for a free construction toy for children under 12 years of age.

Pat Sexton, Street Operations Foreman, will be in attendance to receive the Proclamation on behalf of the Department of Public Works and Utilities.

Staff Recommendation

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

Background Information

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

Public Works Week Proclamation

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Since 1960, the annual observance has been an opportunity to increase public awareness of the role that Public Works plays in all of our daily lives. The 1996 events are being coordinated in the State by the Colorado Chapter of the American Public Works Association.

Respectfully submitted,

William M. Christopher
City Manager

Attachment

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

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

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

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

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

NOW, THEREFORE, on behalf of the entire Westminster City Council and Staff, I do hereby proclaim the week of May 19 through 25, 1996, 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 13th day of May, 1996.

Date: May 13, 1996
Subject: Citizen Communication - Delinquent Water Bill at Rental Property
Prepared by: Ellen Richardson, Utility Billing Manager

Summary

Sim Vinh, who resides at 11030 Lamar Circle, has requested to speak to City Council under Citizen Communication. These are the facts as we know them.

Sim Vinh, who owns a rental property at 11070 Marshall Street, states that the City waited 3-4 months before water shut off would occur at his rental property. He believes the bill should not be allowed to accrue so high before shutoff. Our understanding is that Mr. Vinh's tenant had vacated the property by the time he received notification of disconnect.

Options include reducing the \$50 past due amount before a delinquent notice is generated providing earlier notification; leaving the past due amount at \$50 before a delinquent notice is generated, and require the rental property owners to retain the water and sewer utility bill in their own name; or to leave the current sequence of amounts of billing/collection/disconnect cycle as is provided for in the Municipal Ordinance.

Background Information

Per Westminster Municipal Code, when a past due amount is \$50 or greater, a delinquent notice is generated. The customer has 21 days from the date of the bill before payment is due, and a minimum of 45 days from the date of the bill before water service is disconnected.

Westminster also offers a provision where landlords can sign up to receive a copy of the delinquent notice when it is sent to the tenant. Sim Vinh is signed up for this provision.

The following is a summary of the activity on the utility account at 11070 Marshall Street:

The account had a credit balance of \$15.20 when the account was billed on January 22, 1996. The account was billed on February 16 for \$52.20, with the \$15.20 credit balance reducing the balance to \$37.00. On March 20, the account was billed for \$34.70 with a past due amount of \$37.00, giving the customer a balance of \$71.70. The account was next billed on April 18 with a past due amount of \$71.70, and a total amount due of \$129.16. The April 18 bill was a delinquent notice, so Mr. Vinh received a duplicate delinquent bill. This was his first notice that the account was past due. From the date of the bill with amount greater than \$50 until the date of the delinquent notice (March 20 to May 9) is 50 days.

Options Council may wish to consider:

Option #1 - Reduce the past due amount of \$50 before a delinquent notice is generated. This feature would alert the property owner to past due status earlier. However, this amount was just increased in 1994 to reflect higher water and sewer rates and to reduce the number of delinquent notices issued.

Option #2 - Leave the past due amount before a delinquent notice is generated at \$50, and require rental property owners to retain the water utility bill in their name. Many landlords do not want utilities in their name because it complicates collection from the tenant. Under the current structure, landlords who prefer the billing in their name may do so. Removing this flexibility may cause greater concern.

Option #3 - Leave the current sequence of amounts of billing/collection/disconnect cycle as is provided for in the Westminster Municipal Code.

Respectfully submitted,

William M. Christopher
City Manager

Date: May 13, 1996
Subject: Bids re Replacement Sign/Utility Truck
Prepared by: Dave Cantu, Street Foreman

Introduction

Council action is requested to award the bid for the purchase of a replacement sign/utility truck to be utilized by the Street Division. Funds have been specifically allocated and are available in the 1996 Public Works and Utilities Street Division account.

Summary

City Council previously allocated funds in the 1996 Public Works and Utilities Street Division budget for the purchase of a new sign/utility truck to replace the existing sign truck.

The new truck will replace a 1983 International utility body sign truck. The sign truck is now thirteen years old and has 76,369 miles logged on it.

The new truck will be equipped with a two-man platform lift which will allow personnel to install and maintain overhead mast arm and signal pole signage more quickly and safely.

Formal bids, in accordance with City Charter bidding requirements, were solicited from area vendors.

An alternative to replacement of the sign truck would be to rebuild the current vehicle. However, this approach is not recommended, as the current vehicle is thirteen years old and undersized for the work required of this vehicle.

Staff Recommendation

Award the bid for one replacement sign/utility truck in the amount of \$76,767 net after trade-in to Weld County Garage, the low bidder, and charge the expense to the appropriate 1996 Public Works and Utilities Street Division budget account.

Background Information

City Council allocated funds in the 1996 budget for the purchase of a replacement sign truck. The sign truck is used daily in all traffic signing phases of work and in the maintenance and installation of crosswalk, legend, and arrow pavement markings.

The 1983 International truck being replaced was ranked #15 on the Citywide 1996 Fleet Maintenance vehicle Replacement Priority listing. This vehicle has a history of hydraulic brake problems ranging from severe grabbing at lower speeds to erratic (spongy pedal) braking at higher speeds.

Its replacement will be equipped with an air braking system, which is superior to an hydraulic system in a truck of this size. The utility body is rusting badly and would require major body work to remove and replace rusting panels. Replacement is warranted at this time because of the exorbitant amount of repair hours and costs that would be required to rebuild or replace all of the worn components to keep this vehicle road worthy and dependable. Fleet Maintenance has expended \$6,016 since 1991 for repairs on this vehicle and targeted the following items needing repairs at this time. Body work \$5,000; brakes \$800; exhaust \$300; charging system \$300.

In the past, whenever overhead sign installation or maintenance has been required, the bucket truck has been borrowed from building maintenance. The capacity of the bucket truck only allows for one person, making the installations difficult. A two-man platform lift on the new truck will allow personnel a safe surface to work from and improve productivity. Having the lift at the Street Division's disposal will eliminate scheduling problems with the bucket truck which is used by most City Departments, especially in situations where immediate attention is required for overhead sign problems and after hours overhead sign problems.

Formal bids were solicited from area vendors with the following response.

<u>Vendor</u>	<u>Net After</u>	<u>Bid Price</u>	<u>Trade In Allowance</u>	<u>Trade</u>
Weld County Garage	\$84,767	\$8,000	\$76,767	
Burt Chevrolet	85,797	5,000	80,797	
Teague Equipment Co.		86,325	5,000	81,325
Transwest Inc.	86,945	5,000	81,945	

The low bid, from Weld County Garage, meet the specifications in the bid and is within the amount previously approved by City Council for this expense.

The old sign truck was included as a trade-in to get the highest return on its value, and is more than would be realized from a sale at auction.

Respectfully submitted,

William M. Christopher
City Manager

Date: May 13, 1996
Subject: Bid Award for Big Dry Creek Parallel Interceptor Sewer
Prepared by: Robert L. Booze, Utilities Services Supervisor

Introduction

City Council action is requested to award the bid to Trainor Construction Company for the construction of the Big Dry Creek Parallel Interceptor Sewer - Phase 2 and authorize a construction budget of \$1,002,290 and a project contingency account in the amount of \$100,229. Funds are available for this project in the Utility Fund, Capital Improvement Budget.

Summary

The Big Dry Creek Parallel Interceptor - Phase 2 project will consist of the installation of approximately 6,500 feet of 42-inch sewer line from south of 120th Avenue and Federal Boulevard, north to approximately 127th Avenue and Zuni Street. The new 42-inch interceptor will parallel an existing 30-inch interceptor and is needed due to the existing interceptor reaching capacity. A map is attached that shows the project location as well as the entire Big Dry Creek Interceptor Project, Phase 1 through Phase 4. Immediately subsequent to Phase II construction, the City will begin constructing the Big Dry Creek trail within the sewer line easement. This will extend the Big Dry Creek trail from 120th Avenue to 128th Avenue where an underpass at 128th Avenue is being designed and constructed.

Formal bids were solicited through the Daily Journal, a metro area publication which advertises construction projects. Plans and specifications were picked up by eight (8) general contractors with five (5) bids being received at the public bid opening on April 23. The bids submitted were as follows:

Trainor Construction Company	\$1,002,290
B.T. Construction, Inc. \$1,248,168	
Parker Excavating, Inc. \$1,249,823	
T. Lowell Construction, Inc.	\$1,396,750
Tierdael Construction Company	\$1,569,469
Engineer's Estimate	\$1,192,585

The low bid was submitted by Trainor Construction Company. According to the references, which were thoroughly checked and the Bidder's experience in pipe line construction, this firm is qualified, skilled and capable of performing the City's specified Scope of Work.

The City's project consultant, HDR Engineering, Inc., has reviewed the bids and recommends Trainor Construction Company be awarded the project.

Staff Recommendation

Award the bid to the low bidder, Trainor Construction Company; authorize the City Manager to execute a contract between the City and Trainor Construction Company; and authorize a construction budget of \$1,002,290 and a project contingency budget of \$100,229 and charge project expenses to the appropriate project account in the Utility Fund.

Background Information

During 1987, HDR Engineering, Inc., performed a preliminary design report for the Big Dry Creek Sanitary Sewer Interceptor Line. This report was conducted because the interceptor was reaching its capacity. At this time, a need was established for planning the replacement of the line.

During 1988, Phase I of the Big Dry Creek Parallel Interceptor Project was installed which originated at the Big Dry Creek Water Reclamation Facility located at 132nd Avenue and Huron Street, and terminated at approximately 127th Avenue and Zuni Street. Phase 2 of the parallel interceptor will connect with the existing interceptor line at approximately 120th Avenue and Federal Boulevard.

Utilities Field Operations Staff have conducted flow monitoring along the existing 30-inch interceptor. Results of the flow monitoring indicate the interceptor is in excess of 90 percent capacity where it connects to Phase 1 of the parallel interceptor. Construction should occur to prevent the existing interceptor from reaching capacity, which would hinder development and cause maintenance problems.

In 1993, the project design and construction specifications were prepared in conjunction with initiating the acquisition of the necessary easements by Western States Land Services. The project construction documents were completed in 1993, but the easement negotiations continued and were finally completed in March 1996. The extended time period for easement acquisition occurred to accommodate final planning and design requirements for the Big Dry Creek trail system, which will parallel the route of the interceptor line.

There are two possible alternatives the City could consider.

- > Postpone the project. This alternative would cause the existing Big Dry Creek Interceptor to reach flow capacity, causing severe maintenance concerns, and possibly result in curtailing development activities in the Big Dry Creek drainage basin.
- > Perform the project construction in 1997. This would delay the planned improvements that are scheduled to prevent this major sanitary sewer interceptor from reaching flow capacity. The completed flow monitoring study indicates Phase 2 of the parallel interceptor should not be delayed.

Respectfully submitted,

William M. Christopher
City Manager

Attachment: Map

Date: May 13, 1996

Subject: 72nd Avenue Improvements, Phase Three Construction

Prepared by: Stephen C. Baumann, Assistant City Engineer

Introduction

City Council action is requested to authorize \$534,000 in additional funds for the City's share of construction costs in the third phase of the 72nd Avenue Improvements project. Funds have been appropriated in the 1996 project budget within the General Capital Improvement Fund for this expense.

Summary

Over \$7 million in funding has been secured for the reconstruction of 72nd Avenue between Eliot Street and Meade Street under the Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991. The Act requires that local government agencies match the Federal funding in a ratio of 83%/17% (Federal/local agency). The Colorado Department of Transportation (CDOT) administers these projects.

Bids were recently opened for the construction of the third phase of the 72nd Avenue Improvements Project, located at the Lowell Boulevard intersection. The low bidder was A. S. Horner, Inc. with a bid of \$2,188,000. This was approximately \$142,000 over CDOT's estimate.

Authorization is sought for \$534,000 to cover the City's additional portion of the construction costs. The City must also concur in the award of the contract to A. S. Horner, Inc. Although Horner's performance in the first phase of the project (at Federal Boulevard) was seen as poor, Staff believes changes in Horner's and CDOT's Staff and management approach will result in a much better project.

Staff Recommendation

Authorize the expenditure of \$534,000 for the City's share of construction costs for the third phase of the 72nd Avenue Improvements Project and charge these expenses to the appropriate project account in the General Capital Improvement Fund Project Account and concur in the award of the contract to A. S. Horner, Inc. by the Colorado Department of Transportation.

Background Information

There are three phases which make up the 72nd Avenue Improvements Project. The third phase, at the Lowell Boulevard intersection, includes the replacement of sewer and water mains, the undergrounding of overhead electric facilities by Public Service Company (in progress) and the widening of all four approaches to the intersection. The first phase project was recently completed and the second phase, at Irving Street, will be completed in July of this year.

The design theme of these projects is carried through the third phase and includes the installation of pre-cast concrete planters, decorative lighting and other enhancements on 72nd Avenue and Lowell Boulevard north of 72nd Avenue.

The Colorado Department of Transportation (CDOT) is responsible for administering the over \$7 million in Federal aid funding that has been made available for the 72nd Avenue Project. They will also be responsible for the construction management of the third phase contract. Bids from three contractors were received recently by the CDOT. The low bidder was A. S. Horner, Inc. at \$2,188,000, an amount \$142,000 over CDOT's estimate. Horner was the contractor in the first phase of the project at 72nd Avenue and Federal Boulevard, and another bidder, Hamon Contractors, Inc., is in the process of constructing the Phase Two project. Both of these projects were extremely difficult and the higher than anticipated bids along with the scarcity of bidders is indicative of the extra time necessary, and higher costs that go with these intersection improvement projects.

Horner was the contractor on the project at 72nd Avenue and Federal Boulevard which was perceived as quite disruptive to local businesses and slow to progress. Staff has heard concerns from the Phase Three business owners about Horner being awarded this contract. In retrospect, two problems were at the root of that perception. One was Horner's superintendent, who was inexperienced at work in a business district and opened up/exposed more of the project area than was necessary at once. The second problem was the unusually wet Spring weather in 1995, which soaked the exposed area and rendered it unworkable. This put the project so far behind that recovery was impossible, even after City Staff and CDOT demanded that Horner replace the superintendent. Horner, more than anyone, appreciates that they must have a top-notch superintendent to make a job like 72nd Avenue and Lowell Boulevard profitable.

The other positive aspect is CDOT's oversight and the experience they now have. In the first phase of the project, CDOT's project management team was more reactive than pro-active in monitoring contract work. The idea that CDOT should not direct the contractor's work is almost the basic philosophy of CDOT contract management. The experience in Phase One and more recently in Phase Two of the project (@ 72nd Avenue and Irving Street) has resulted in a different approach, where CDOT engineers challenge and question the schedule and work plan prepared by the contractor. They also are much more involved with the local business owners in coordinating the work that affects businesses on a day-to-day basis.

Adding to the bid amount, CDOT's charges for construction engineering, administrative costs and required contingencies, the total estimated construction costs for the third phase contract will be \$2,669,000. Previously, the City had committed to \$415,000 in funding to secure the \$1.72 million of Federal funding that is available for 72nd Avenue and Lowell Boulevard. Under the Agreement with CDOT, the City is responsible for all costs over those two budget components. This will amount to \$534,000. The 1996 budget included approximately \$400,000 for this additional share of the City's costs, so \$134,000 must come from the existing project contingency account.

Construction on the third phase will begin in late June of this year. At this time, Public Service Company is about one month away from completing the undergrounding of electric facilities in the project area. The contract for street and utility construction will continue until Spring or Summer of 1997.

Respectfully submitted,

William M. Christopher
City Manager

Attachment: Map

Date: May 13, 1996

Subject: Detention of Prisoners at Clear Creek County Jail

Prepared by: John A. Stipech, Presiding Municipal Court Judge and Matt Lutkus, Deputy City Manager for Administration

Introduction

City Council action is requested to approve the attached Intergovernmental Agreement (IGA) with Clear Creek County Sheriff's Department to provide bed space for Westminster prisoners when space is not available at the Adams County Detention Facility. A contingency transfer thru adoption of the attached Resolution will be required to supplement funds previously available in the 1996 Municipal Court Budget in order to fully address the present bed space shortage.

Summary

The issue of overcrowding at the Adams County Detention Facility has been a significant concern for several years. Although the number of beds allocated to Westminster increased during 1995, Westminster Municipal Court continues to deal with the problems that result from bed space limitations. The only ways in which the City has been able to address the problem are by reducing sentences for some prisoners and, in some cases, by eliminating jail sentences for relatively less severe offenses.

City Council is being requested to approve the attached proposed Intergovernmental Agreement (IGA) with Clear Creek County Sheriff's Department to provide bed space for Westminster prisoners when space is not available at the Adams County Detention Facility. Funds which are presently available in the Municipal Court Budget will enable the Court to eliminate the practice of reducing sentences for domestic violence perpetrators and for prisoners convicted of other serious crimes. The Council is also being asked to allocate additional funds in the amount of \$24,000 in 1996 and approximately \$72,000 per year thereafter to address the issue of deferred, reduced, or waived jail sentences for the less serious offenses.

The services and facilities of Clear Creek County would only be used when prisoners cannot be admitted into the Adams County Detention Facility as a result of bed space limitations and when no other alternative, such as in-home detention, is available.

Staff Recommendation

1. Authorize the City Manager to sign an Intergovernmental Agreement with the Clear Creek County Sheriff's Department to provide transportation and bed space for Westminster Municipal Court prisoners in the Clear Creek County Jail.

2. Adopt Resolution No. approving a contingency transfer in the amount of \$24,000 to provide additional funds for housing of prisoners to fully address issues related to Adams County bed space limitations.

Background Information

The problems associated with overcrowding in the Adams County Detention Facility have plagued the City of Westminster for several years. The problem has grown more acute in recent years as the Court's caseload and the severity of many of these cases has increased. While the Fast Track Domestic Violence Program has many positive aspects, this program has contributed significantly to the severity of offenses which are sentenced in the Municipal Court. Moreover, the move of the Court's location from an area just inside Jefferson County to its present location at 76th Avenue and Grove Street in 1992, has necessitated that contempt of court cases be sentenced in Adams County rather than Jefferson County. For these reasons, as well as a result of the larger population size in Adams versus Jefferson Counties and differences in population demographics, an estimated two-thirds of the prisoners sentenced in Westminster Municipal Court must serve in the Adams County jail system.

The difficulty caused by bed space limitations was alleviated to some degree late last summer when the County agreed to increase, at least temporarily, the number of beds allocated to Westminster from 9 to 14. However, at the same time that the County increased the number of beds available to the City, it disallowed the City's previous practice of "borrowing" beds from other cities. The result is that, on a regular basis, the Court Staff and Judges must go through the time consuming process of reviewing sentences to determine which prisoners should be released early. On average, each month, approximately four prisoner sentences must be reduced approximately ten days each to accommodate new prisoners.

In addition, the Court's ability to sentence defendants who commit relatively less severe offenses, such as repeated violations of the "No Proof of Insurance" Ordinance, is compromised by the bed space limitation. Other defendants who would otherwise be sentenced to jail for failure to pay their fines may not ever be required to serve a jail sentence due to these constraints. Based on Court Staff estimates, there is an average of eight individuals per month who would have served an average jail sentence of ten days for these less severe crimes who do not serve because of the jail space limitations. From the overall societal perspective, there is the concern that justice is not being served when prisoners are not being required to complete their full sentences.

Employees from both the Police Department and the Court have been actively involved in finding a solution to the difficulties Westminster faces as a result of the Adams County Detention Facility overcrowding situation. Presiding Judge John Stipech and Police Captain Don Hauptmann regularly attend meetings on this subject which include participation by Adams County Sheriff's Department personnel, other municipal court judges, County judges, and staff from other cities. However, other than the changes which were instituted last summer, it appears unlikely that further improvements will be made to address the overcrowding issue in Adams County in the near future.

In response to the need to augment the space available for Westminster prisoners who are sentenced for crimes in Adams County, City Council authorized \$30,000 in the 1996 City Budget for supplemental detention facilities.

Other County jail facilities were contacted as was the Aurora Municipal Jail to determine whether bed space could be made available. No other Metro area county jail facilities are in a position to offer space for Westminster prisoners. Jefferson County Jail does not have bed space limitations for Municipal prisoners, but does not have sufficient space available to allow the Westminster Court to house its Adams County prisoners on a regular basis. Although the Aurora facility could make space available, the jail would limit stays at that facility to three days or less per prisoner. This constraint makes the use of the Aurora facility impractical.

Earlier this year, Captain Hauptmann was contacted by the Sheriff from Clear Creek County with a proposal for holding Westminster's Adams County prisoners. After several discussions with Clear Creek Sheriff's Department officials and a visit to the Clear Creek County Jail in Georgetown by Judge Stipech and Captain Hauptmann, County and City officials reached a tentative agreement on a proposed IGA.

Under the proposed agreement, which has been reviewed and approved by the City Attorney's Office, the Clear Creek County Sheriff's Department will provide housing for Westminster prisoners at the rate of \$50 per day per prisoner. This cost will include transportation from Westminster Municipal Court to the Clear Creek County facility and transportation upon the prisoners' release. Moreover, if ten or more inmates on average are held for Westminster Municipal Court, the rate per prisoner per day would be \$45. Especially in light of the fact that the agreement includes transportation of the prisoners to and from the jail in Georgetown, Staff believes that the per day per prisoner cost is very reasonable. The estimated cost for Westminster just to transport prisoners to the Adams County Jail is \$35 per trip. The Clear Creek County facility can house up to 38 prisoners and has a pod for housing up to ten women prisoners.

The \$30,000 provided in the 1996 Budget will allow the Court to discontinue the practice of reducing sentences for those who commit domestic violence offenses and other serious crimes. However, in order to address this problem and those situations described above where persons who receive sentences for less serious crimes do not serve any jail time, a total of \$72,000 would be needed on an annual basis. This amount is based on projections using the above historical activity level. Given the fact that the year is more than one quarter over, the \$72,000 is reduced to a total of \$54,000 for the remainder of 1996. Since \$30,000 has been budgeted for the current year, the additional \$24,000 would need to be transferred from the General Fund Contingency Account if Council decides to address all of the constraints on sentencing caused by Adams County's jail space limitations. The current balance in the General Fund Contingency account is \$988,104.

An alternative action would be to utilize the \$30,000 amount budgeted only for those prisoners who are sentenced for the more serious offenses.

It is important to emphasize that the Clear Creek County Jail would only be used after all available bed space in Adams County Detention Facility has been exhausted and where alternative sentencing is not an option.

Regardless of whether or not additional funding is approved, the agreement will go a long way toward alleviating the pressures the Court is experiencing with regard to sentencing Adams County defendants.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

CLEAR CREEK COUNTY CONFINEMENT DIVISION

INTERGOVERNMENTAL HOUSING AGREEMENT

THIS AGREEMENT is made and entered into this ____ day of _____, 199__, by and between the City of Westminster ("City") and Clear Creek County, for the use and benefit of the Clear Creek County Sheriff's Department (the "County").

WHEREAS, Section 29-1-203, C.R.S., authorizes political subdivisions of the State to contract with one another to provide any function, service or facility authorized to each, including the sharing of costs, only if such cooperation or contracts are authorized by each party thereto with the approval of its legislative body of authority having the power to so approve.

WHEREAS, the City of Westminster needs, and the Clear Creek County Sheriff's Department is willing to provide, housing facilities for City of Westminster inmates and detainees.

NOW, THEREFORE, in consideration of the mutual covenants and promises contained herein, the parties agree as follows:

1. The Sheriff of Clear Creek County agrees to house up to 25 City inmate/detainees, in accordance with C.R.S. 29-1-203, upon space availability.

2. The parties agree that said inmate/detainees shall be confined in Clear Creek County Jail subject to the following terms and conditions:

A. No juveniles shall be accepted.

B. During confinement in the Clear Creek County Jail, City inmate/detainee holds, shall be accorded the same rights and privileges and shall be subject to the same classification system and other jail rules and regulations as regular inmate/detainees of the Clear Creek County Jail.

C. Transportation of City inmate/detainees to and from the Clear Creek County Jail shall be the responsibility of the County.

3. The City agrees to pay the sum of Fifty Dollars (\$50) per day for each inmate/detainee confined in the Clear Creek County Jail. Payment of this sum shall be in full consideration for all ordinary costs of confining said person, including facility and guard costs, utilities and regular meals. Subject to paragraph 5, the City shall also be responsible for the cost of any and all medical or dental care or treatment rendered to any City inmate/detainee while housed in the Clear Creek County Jail.

4. Inmate/detainees requiring medical care, other than of a minimal nature, shall be referred to available medical facilities or be returned to the City. In the case of an emergency as determined by the Clear Creek County Jail physician or medical staff, emergency medical treatment may be administered without prior authorization. However, the Clear Creek Sheriff's Department agrees to inform the City of the emergency as soon as practicable.

5. Payment for the confinement of City inmate/detainees shall be made by the arresting agency within thirty (30) days after receipt and approval of itemized billings. Such billings shall itemize expenses for each individual inmate/detainee and shall contain the term of confinement and a list of any additional cost for medical or dental care.

6. The City and their officers, agents and employees are not responsible for the acts or omissions of Clear Creek County, the Sheriff of Clear Creek County or their officers, agents and employees in the performance of this Agreement.

7. Clear Creek County, the Sheriff of Clear Creek County, and their officers, agents and employees are not responsible for the acts or omissions of the City or their officers, agents and employees in the performance of this Agreement.

8. Clear Creek County agrees to procure and keep in force liability insurance to protect itself as well as the Sheriff of Clear Creek County and their officers, agents and employees from claims for damages arising out of bodily injury, property damage or death to, or caused by City inmate/detainees while confined in the Clear Creek County Jail. The insurance coverage shall be to the same extent as the liability insurance protection Clear Creek County Sheriff and their officers, agents and employees from such claims for damages to, or caused by, regular Clear Creek County detainees.

9. The period of this Agreement shall be from the date of execution until terminated by mutual agreement.

10. This written Agreement constitutes the entire agreement of the parties hereto. No representations, promises, terms, conditions, or obligations whatsoever referring to the subject matter hereof, other than those expressly set forth herein, shall be of any binding legal force or effect whatsoever. No modifications or alteration of this written Agreement shall be of any binding legal force and effect whatsoever unless in writing, signed by the parties hereto.

IN WITNESS WHEREOF, the parties hereunto executed and made effective this Intergovernmental Agreement.

CITY OF WESTMINSTER

REVIEWED BY:

William M. Christopher, City Manager City Attorney's Office

COUNTY OF CLEAR CREEK, STATE OF COLORADO
APPROVED AS TO CONTENT:

Clear Creek County Sheriff

CCSO Jail Sergeant

RESOLUTION

RESOLUTION NO.

INTRODUCED BY COUNCILLORS

SERIES OF 1996

APPROVAL OF A GENERAL FUND CONTINGENCY ACCOUNT TRANSFER TO PROVIDE SUPPLEMENTAL FUNDS FOR DETENTION OF MUNICIPAL PRISONERS.

WHEREAS, the City of Westminster Municipal Court is not able to place all defendants sentenced in the Court due to jail bed space limitations at the Adams County Detention facility, and

WHEREAS, City Council previously allocated \$30,000 in the 1996 General Fund Budget for supplemental detention facilities to augment the jail space currently available in Adams County Jail Detention Center, and

WHEREAS, the proposed intergovernmental agreement with Clear Creek County will provide for the transportation and detention of Westminster prisoners at a reasonable cost, and

WHEREAS, these supplemental funds will be used to fund jail space for those sentenced to serve sentences for domestic violence convictions and other relatively severe sentences but will not fully address the constraints placed on the Court due to the bed space limitations by Adams County, and

WHEREAS, the total annual cost to fully address the bed space limitations through the use of Clear Creek County Jail facilities is \$72,000 per year or \$54,000 for the remainder of 1996, which is \$24,000 more than is available in the 1996 Budget for this expenditure, and

WHEREAS, there is currently a balance of \$988,104 in the General Fund Contingency account, and

WHEREAS, City Council wishes to make additional bed space available for the Municipal Court to ensure that all prisoners who are required to serve sentences in Westminster Municipal Court, do not have their sentences eliminated or reduced because of jail space limitations placed on the City by Adams County,

NOW, THEREFORE, be it resolved that the Westminster City Council authorizes a transfer of \$24,000 from the General Fund Contingency account to the 1996 General Services Municipal Court Budget to provide additional funding for supplemental detention facilities for Municipal Court prisoners..

Passed and adopted this 13th day of May, 1996.

ATTEST:

Mayor

City Clerk

Date: May 13, 1996

Subject: Open Space Purchase Along Walnut Creek

Prepared by: Bob Lienemann, Open Space Coordinator

Introduction

City Council action is requested to authorize the City Manager to execute closing documents to purchase approximately 20.9 acres of land from Tronox Associates. This property is located along and includes Walnut Creek between 108th Avenue and Wadsworth Parkway, just south of Ball Campus (see attached map). This property is proposed for addition to the City of Westminster Open Space Program. These same documents will also accept a 5.0 acre Public Land Dedication and a 1.1 acre donation, for a future neighborhood park.

Summary

This property is a key link in the Walnut Creek open space, trail and wildlife corridor. The property was zoned in the early 1970's, allowed for channelization of the Walnut Creek area, and called for the City to construct an upstream regional detention facility. Staff has negotiated a proposed Purchase and Sale Agreement which would acquire the most desirable open space areas, approximately 20.9 acres at a cost of \$398,145, and the dedication and donation of a 6.1 acre future neighborhood park site. This agreement would also remove the need for the upstream regional detention facility.

Matching grants are being pursued from Jefferson County Open Space and from Great Outdoors Colorado, to assist with this proposed open space acquisition. The City's Open Space Advisory Board is very supportive of this acquisition for open space and trail corridor, as are many area residents. Funds are available for this purchase in the Open Space Land Acquisition account.

Staff Recommendation

Authorize the City Manager to execute the necessary documents to purchase for the Open Space Program, approximately 20.9 acres of land at a cost of \$398,145 from Tronox Associates, charge the expense to the Open Space Fund, and accept the dedication of 5.0 acres and the donation of 1.1 acres for a future neighborhood park.

Alternatives to the Proposed Action

An alternative to the Staff Recommendation would be to not approve the purchase of this property now. Zoning is in place, but no Official Development Plan is being reviewed for immediate development of the property. An attempt to renegotiate the issues could be made at a future date.

With development at some point, a narrow channel could be constructed, and it might be possible to have a trail along this channel, though the narrow area with adjacent building would not be as inviting for public use. The natural and wildlife values would be lost with such development.

If the purchase is not completed now, it is possible that a purchase could be made in the future. However, the landowner is willing to sell now and resolve the related issues, all at an advantageous price to the City. Open Space funds are available now for this purchase, and this property is considered a high priority for acquisition with existing funds.

Landowner attitude and funding at a future date are unknown.

Matching grants are likely from Jefferson County Open Space and from Great Outdoors Colorado, if the purchase is closed now. Future matching funding is unknown.

Background Information

The existing Preliminary Development Plan for this area, known as the Walnut Grove PUD, calls for the City to construct a very large upstream regional detention pond, which would reduce the stormwater flows through this property. The PDP also allows the developer to channelize Walnut Creek, to fill in the floodplain to a narrow channel, and to develop the remaining area. The PDP calls for a narrow, engineered ditch totalling 6.1 acres, which is to be dedicated to the City, assuming that the City builds the upstream detention. Certain of these PDP commitments may have been made to assist in annexing this property into Westminster many years ago, and also in attracting Ball Campus to Westminster. Some channelization was completed at the landowner's expense in the late 1970's.

To construct the upstream detention pond would require the purchase of a large area that could otherwise be developed as business park, around the proposed new Countrydale golf course. The detention pond would probably cost at least \$3 to \$4 million to construct. At this point, the detention is not required for other developments, and the City would prefer not to build this facility.

Regarding the desirable open space area, it is not possible to use City and other regulations to preserve the floodplain and natural area in this case, and it is not reasonable to expect the developer to dedicate or donate a larger part of their zoned property. This property is highly recommended for acquisition by the Open Space Advisory Board, and Open Space Funds are available for the purchase.

The PDP also indicates a 10.0 acre "School/Park" dedication, and several small greenbelt dedications totalling another 2.2 acres. From prior discussions, it appears that the Jeffco School District is not in need of a small school site at this location. A neighborhood park to serve these residents, together with existing Mayfair Park would be desirable. The City recently acquired 32 acres of park and open space land approximately 1/2 mile to the southwest, adjacent to Walnut Grove PUD. For these reasons, a five to six acre neighborhood park site is considered appropriate to serve the needs of this area as it builds out in the future.

The landowner and Staff have negotiated continuously over the past year to attempt to settle these issues, and to acquire the natural area as open space. The landowner is now willing to sell the "natural" areas along Walnut Creek - 20.9 acres for \$398,145 -- to the City for Open Space, and to agree that the upstream detention is no longer needed. Given that most of this land can be developed with existing zoning, this is an excellent value, and below the appraised value for the property.

The proposed purchase would allow the City to acquire this key link along Walnut Creek at a very reasonable cost, would provide for a trail connection, protect the excellent wildlife and open space values of the area, and remove the possibility of channelizing the creek and loss of this unique area.

This proposed 20.9 acre purchase would include the best natural areas, a part of the "school/park" area and the other greenbelt areas shown on the PDP. The landowner also agrees to dedicate 5.0 acres, and to donate an additional 1.1 acres for a total 6.1 acre future neighborhood park. This future park is located adjacent to the open space, and is level land with good visibility and street access. The proposed purchase and dedication/donation would result in approximately 8 acres of park site compared to an original 10 acre school/park, and with a much larger open space area.

Jefferson County Open Space's Advisory Committee has recommended that the County reimburse one-half of the City's net cost for this acquisition. The final decision on reimbursement will be made by the County Commissioners, and they generally follow the recommendations of their Advisory Committee and Staff. Great Outdoors Colorado has also awarded a tentative matching grant toward this open space acquisition. If successful with these matching grants, the reimbursed funds will be available for additional open space preservation.

The land proposed for purchase fits the Criteria for the selection of Open Space sites very well, as follows:

- < **AESTHETICS:** This property lies along and includes Walnut Creek. Acquisition would protect this natural view corridor, which is readily enjoyed from the adjacent arterial streets as well as on the site. Natural features include the stream, wetlands, a few large trees, new trees and shrub thickets which are growing back after the channelization work in late 1970's, and a variety of native plants and wildlife species.
- < **PROTECTION AND PRESERVATION:** This acquisition would protect the environmentally sensitive features of the stream, wetlands, trees, other plants and wildlife, and avoid encroachment into the floodplain.
- < **LOCATION:** This property along Walnut Creek is an important link in a natural corridor intended to provide local connections and open space enjoyment in the northwestern part of the City. This corridor also has the potential in the future to connect the Westminster system of parks, trails and open space northwest to thousands of acres of open space owned by Broomfield, Jefferson and Boulder Counties, and the City of Boulder.

- < **USE POTENTIAL:** This land along Walnut Creek provides an important connection in the City-wide trail system, and would provide many opportunities for nature study, photography or solitude. The proposed acquisition would also protect this watershed, would minimize need for expensive storm drainage improvements by generally maintaining the channel in a natural condition with room to meander, and would avoid floodplain encroachment. A substantial portion of this corridor is intended for wildlife habitats and movements.

- < **NEED FOR IMMEDIATE ACTION and ACQUISITION CONSIDERATION:** This property has approved zoning that would allow bulldozing the trees and natural area, and squeezing Walnut Creek into a narrow channel. The landowner is now willing to sell the open space area, and resolve related issues. The price is below appraised value.

This proposed acquisition was reviewed and strongly supported by the Open Space Advisory Board, as part of the Walnut Creek corridor.

Respectfully submitted,

William M. Christopher
City Manager

Attachment: Map

Date: May 13, 1996
Subject: Big Dry Creek Trail Contract
Prepared by: Philo Shelton, Park Project Engineer

Introduction

City Council action is requested to authorize the City Manager to approve an engineering contract with TranSystems Engineers and Planners (TranSystems) in the amount of \$43,230 for design and construction documents for the Big Dry Creek Trail underpasses at Wadsworth Parkway and Burlington Northern Railroad (see attached map). Funds for this expense are available in the 1996 General Capital Improvement Fund, Big Dry Creek Trail account.

Summary

In March 1996, a Request For Proposal (RFP) for design and engineering services was prepared for the Big Dry Creek Trail underpasses at Wadsworth Parkway and Burlington Northern Railroad. The RFP was advertised and over 35 consultants requested a copy of the proposal. Seven engineering firms submitted a proposal and bid for the project having professional service fees ranging from \$43,230 to \$75,716.

Staff met with the lowest bidder, TranSystems, and determined that their proposal for the requested scope of work was thorough and complete. Therefore, the low bid of \$43,230 submitted by TranSystems is considered a good bid. In addition, several references were checked and verified by Adams County, Burlington Northern Railroad, and Jefferson County Open Space and the results are that TranSystems is a capable firm. Since the next lowest fee was 20% greater than the TranSystems bid for this project, Staff elected not to interview any other engineering firms.

Staff Recommendation

Authorize the City Manager to sign a contract with the low bidder, TranSystems, in the amount of \$43,230 for design and engineering services related to the Big Dry Creek Trail project, and charge this expense to the appropriate project account in the 1996 General Capital Improvement Fund.

Background Information

Jefferson County Open Space (JCOS) established the Trails 2000 program to provide funding for trail development throughout Jefferson County. In 1993, the Jefferson County Commissioners and JCOS Advisory Committee agreed to place the Big Dry Creek Trail system on their list of priority projects in the Trails 2000 Plan. By doing so, it allowed for land acquisition, trail design, and trail construction along Big Dry Creek in Westminster by the year 2000. A \$2 million estimate for this project was prepared by Westminster and Jefferson County Staff identifying \$1.3 million for design and construction of the trail and \$700,000 for land acquisitions and trail easements.

In April 1994, Wenk Associates was hired through a competitive process, as the Landscape Architectural firm to develop the Big Dry Creek Trail master plan and Phase I construction documents. Phase I trail development between 110th Avenue and Sheridan Boulevard to 104th Avenue adjacent to the Butterfly Pavilion is complete. In order to continue with the scheduled trail development along Big Dry Creek, Staffs from JCOS and Westminster are currently working with the R. Dean Hawn land interests to acquire land needed for construction of the trail between 104th Avenue and the Church Ranch Business Park. In September 1995, Wenk Associates was hired again to design the next phase of trail construction along Big Dry Creek from the Walnut Creek confluence into Big Dry Creek, immediately south of U.S. 36 to Old Wadsworth Blvd. The design is due to be completed this summer with construction starting this fall.

In November 1995, Wenk Associates, in conjunction with Sellards and Grigg engineering firm, was hired to look at the feasibility of different alternatives for pedestrian/equestrian crossings at both Wadsworth Parkway and Burlington Northern Railroad. The study determined that an underpass at Wadsworth Parkway was feasible and the existing drainage box culvert for Burlington Northern Railroad should be utilized for the Big Dry Creek Trail. The reasons for the selection of this railroad crossing is this alternative cost \$200,000 less than the other alternatives, Burlington Northern Railroad prefers this alternative, and the Urban Drainage and Flood Control District master plan for this area calls for no further improvements to the flood plain.

If City Council authorizes the contract with TranSystems, it is anticipated that the Wadsworth Parkway underpass can start construction this fall with possibly the Railroad Underpass being constructed in the Spring of 1997. The railroad underpass is constructed in a later phase due to the time required to secure the required license agreement with Burlington Northern Railroad. However, City Council could decide to reject all bids and delay the project, or choose another consultant to perform the work. The following is a list of consultants who bid on the Big Dry Creek Trail underpass project:

TranSystems	\$43,230
RBD Engineering	\$51,709
Love Engineering	\$54,256
BWR	\$56,393
Louco	\$65,816
Lorris & Associates	\$70,883
Taggart	\$75,716

To date, the City has used approximately \$426,000 of the \$1.37 million design and construction budget for the Big Dry Creek Trail system in Jefferson County. Once phase II of the Big Dry Creek Trail system is designed and constructed in 1996, over half of the JCOS Trails 2000 project will be completed providing more than 2.5 miles of continuous trail in Jefferson County, and a projected 6.5 miles of continuous trail in Westminster extending into Adams County by the end of this year.

Respectfully submitted,

William M. Christopher
City Manager

Attachment: Map

Date: May 13, 1996

Subject: IGA with Adams County for Jim Baker Reservoir Recreation

Prepared By: Mike Happe, Water Resources Engineer

Introduction

City Council action is requested to authorize the Mayor to sign the attached Intergovernmental Agreement with Adams County regarding public access to the Jim Baker Reservoir Site for recreational purposes.

Summary

The City constructed the Jim Baker Reservoir (JBR) located at 62nd Avenue and Lowell Boulevard for the purpose of operating a series of water right exchanges that provide additional water to Standley Lake and help protect the quality of water in Standley Lake. The reservoir is located in unincorporated Adams County at 62nd Avenue and Lowell Boulevard due to the ideal location of this site for operating these water right exchanges. During the permitting process in Adams County for the construction of the reservoir, Westminster and Adams County decided to allow public access to the JBR site if an appropriate agreement regarding responsibility and liability associated with public access for recreation could be worked out. Such an agreement has been negotiated and is now presented to City Council for action. The Intergovernmental Agreement is intended to give all responsibility and liability associated with public access to the reservoir site to Adams County. Westminster's responsibilities and liabilities are to stay at the same level as they would have been absent public access.

The Agreement specifies that the recreation will be limited to shoreline fishing, and use of the trail around the reservoir. There will be no boating or swimming allowed on the reservoir. Staff has had discussions with the Colorado Division of Wildlife, and expect to have an agreement for stocking the lake for fishing. It is anticipated that the reservoir will be open to the public on the weekend of June 1, however, no fishing will be allowed until the Summer of 1997 at the request of the Division of Wildlife to give them an opportunity to establish a fishery in the reservoir.

Staff Recommendation

Authorize the Mayor to sign the Intergovernmental Agreement with Adams County regarding public access to the Jim Baker Reservoir.

Background Information

The City of Westminster started pursuing the JBR project in 1988 when the Clear Creek Water Quality Agreement (also known as the "Cosmic Agreement" due to the number of law suits and issues it settled), was signed between Westminster, Thornton, Golden and Coors.

The reservoir was needed to implement water right exchanges which guaranteed that Coors and Golden's sewage effluent would forever be discharged to Clear Creek downstream of the intakes to Standley Lake, Westminster's main drinking water supply. Westminster purchased the JBR site from the Crestview Water and Sanitation District in 1988 for the construction of the reservoir.

Since the reservoir is in unincorporated Adams County, Westminster had to apply to Adams County for a conditional use permit to allow for its construction. During the public hearings for the permitting process, it was decided that Adams County would be given an opportunity to have the site open to the public as long as the water supply purpose of the reservoir took first priority and that the public access to the site did not increase Westminster's costs and liability at the site. A conceptual recreation plan was developed by Westminster and Adams County staff and presented to the area residents for comments. The plan was well received and only underwent minor revisions. This plan now serves as the basis for the proposed IGA with Adams County.

The plan calls for a two phase implementation of recreation at the site. The first phase calls for the construction of the reservoir as approved in the Adams County conditional use permit. Westminster has built the project in order to accommodate public access in the anticipation of finalizing an agreement with Adams County, however, the public access amenities did not cost any more than if the project was not open to the public. For example, a crusher fine trail was put around the reservoir in substitution for a gravel maintenance road, and the perimeter fence was constructed with gates that would allow public access or could be left locked. The first phase of the recreation plan calls for walking, jogging, wildlife viewing and other passive recreational opportunities that do not involve the water surface. The second phase of the project envisions improvements that will be associated with the streamline fishing access. The City and County will jointly apply for a "Fishing is Fun" grant from the State of Colorado in order to construct a parking lot, restroom and handicapped accessible fishing pier. The Division of Wildlife is expected to begin stocking the reservoir this Summer, however, it is their preference to wait until the Summer of '97 to allow fishing in order to establish the fishery.

The IGA specifies that Adams County will be responsible for all costs, liability and responsibility for public access to the reservoir site. The IGA also specifically acknowledges that water supply operations and water quality protection shall take precedence over recreation.

The reservoir is to be officially opened to the public during a dedication of the Jim Baker Statue donated by the Westminster Historical Society to be held during the annual Jim Baker Mountain Man Festival sponsored by the Berkeley Neighborhood Association and the Westminster Historical Society on June 1 at 10 A.M.

Respectfully submitted,

William M. Christopher
City Manager

Attachment

JIM BAKER RESERVOIR
INTERGOVERNMENTAL RECREATION AGREEMENT

This Intergovernmental Agreement is entered into this ____ day of _____, 1996, by and between the City of Westminster ("City"), a Colorado home rule city, and Adams County ("County"), a Colorado county.

I. Recitals

A. The City has constructed a water storage project known as Jim Baker Reservoir pursuant to County Conditional Use Permit 018-93-C dated March 16, 1994.

B. The City and County wish to work together to make the Jim Baker Reservoir a recreational amenity for the southwest Adams County region.

C. Since the reservoir is located outside of the City within the unincorporated County, recreational uses of the reservoir would benefit residents in the unincorporated County more directly than residents of the City. Thus, the County is willing to assume the financial and operational obligations of recreational uses of the reservoir in exchange for the City's providing access to the reservoir pursuant to the terms of this Agreement.

D. During the public hearings and neighborhood meetings concerning the City's Conditional Use Permit, neighborhood residents indicated a strong interest in allowing passive recreational use of the reservoir site, such as walking, running, bicycling, and fishing. The City and County have developed this concept for public access based on information gathered at public hearings, conversations with individual property owners, conversations with County Parks and Planning staff, the Colorado Division of Wildlife and the City's staff.

II. Agreement

Now, therefore, for and in consideration of the mutual promises exchanged herein, and in reliance upon the fulfillment of such promises, the parties agrees as follows:

A. City's Contributions: The City shall assume the following responsibilities:

1. Reservoir construction in accordance with the Adams County Conditional Use Permit 018-93-C
2. Reclamation of the shoreline, including vegetation establishment and control,
3. The creation and maintenance of a wetlands mitigation area,
4. Installation of a fence and pedestrian gates along the site boundary,
5. Mowing and weed control on the site,
6. Landscaping along Tennyson Street and Lowell Boulevard in accordance with the Adams County Conditional Use Permit 018-93-C, and,
7. Construction of the reservoir maintenance road which will also serve as the pedestrian trail.
8. The City hereby agrees to negotiate an agreement with the State of Colorado, Division of Wildlife for fish stocking for the Jim Baker Reservoir. The goal of the fish stocking agreement will be to develop a fishery for the Summer of 1997.

B. County's Contributions: The County shall assume all costs, liability and responsibility for public access to the reservoir site. The County shall be responsible for:

1. Supervision and maintenance of the improvements associated with public use of the facility, including pedestrian access points and trails,

2. Joint application with the Division of Wildlife for a Fishing is Fun grant, if the parties mutually agree that it is desirable to do so.

3. To the fullest extent permitted by law, the County shall indemnify and hold harmless the City and its agents and employees from and against all claims, damages, losses and expenses, including but not limited to attorneys' fees, arising out of or resulting from the performance of this Agreement and which is caused in whole or in part by any negligent act or omission of the County, an agent of the County, anyone directly or indirectly employed by any of them or anyone for whose acts any of them may be liable, regardless of whether or not it is caused in part by a party indemnified hereunder. This paragraph includes, but is not limited to, any claim, damage, loss or expense that is attributable to bodily injury, sickness, disease or death, or to injury to or destruction of tangible property including the loss of use resulting therefrom.

Such obligation shall not be construed to negate, abridge, or otherwise reduce any other right or obligation of indemnity which would otherwise exist as to any party or person described in this paragraph. In any and all claims against the County or any of its agents or employees by any employee of the County, its agents, anyone directly or indirectly employed by any of them or anyone for whose acts any of them may be liable, the indemnification obligation under this paragraph shall not be limited in any way by any limitation on the amount or type of damages, compensation or benefits payable by or for the County or any agent of the County under workers' compensation acts or other employee benefit acts. Notwithstanding the other provisions of this paragraph, the County shall not be required to indemnify the City against any intentional, reckless or grossly negligent acts or omission of City employee or agent, so long as such City agent is not also an employee or agent of the County. The County's indemnity obligation also does not extend to any liability incurred by the City which would have occurred in the absence of public access to the Reservoir.

4. The County agrees to limit recreational uses to those specified pursuant to this Agreement as follows:

a. Pedestrian use on designated paths only,

b. Shoreline fishing, contingent on the participation of the Division of Wildlife/Fisheries Management, including stocking and fishing related law enforcement,

5. The following rules shall be adopted by the County prior to opening the reservoir to the public and shall be enforced by the County in a timely manner:

a. Public use of the facility will only be permitted from sunrise to sunset.

b. No motorized vehicles will be allowed beyond the parking area located at the southeast corner of the property, if constructed, except authorized operation, maintenance or law enforcement vehicles.

c. No public use of the reservoir surface will be permitted. This includes but is not limited to boating and swimming. Boating access will be limited to the City of Westminster and the Colorado Division of Wildlife for maintenance, sampling, and other tests or operations associated with the use of the reservoir as a water supply or fishery.

d. Fishing regulations will be as determined by the Colorado Division of Wildlife.

e. The City shall have the right to specify further or modified rules to further ensure the protection of water quality and to ensure efficient operation of the reservoir.

6. The County shall operate the recreational uses of the reservoir and shall not assign the operation to a third party without the written consent of the City.

7. If the County charges fees for access or activities at the reservoir, all City residents shall be provided the same fees or rates as County residents.

8. The County will be responsible for trash removal and restroom maintenance at the site.

9. The County hereby agrees to provide adequate staffing as determined by the County, to carry out the County's obligations as specified in this agreement.

C. State Participation. The Colorado Division of Wildlife has expressed an interest in establishing an urban fishery in the reservoir. In order to provide this opportunity, the Division of Wildlife is expected to manage the fishery including stocking as needed, and participate with the Parties in an application for a Fishing is Fun grant to develop new facilities to include but not limited to, handicapped accessible facilities, parking facilities, a fishing pier, and a restroom.

D. Phased Implementation. The facility will be developed in two phases as outlined below.

1. **Phase I** will consist of construction of the reservoir including reclamation of the finished slopes, installation of the pedestrian trails and gates, installation of the landscaping, construction of the proposed wetlands along the north shoreline, installation of the landscaping along Tennyson Street and Lowell Boulevard and fencing surrounding the site. Completion of Phase I will permit the facility to be opened to the public. It is anticipated that the facility will not be opened to the public until June, 1996. The City and the County will mutually agree on a specific date to open the site to public use in cooperation with the Colorado Division of Wildlife.

2. **Phase II** will consist of all of the improvements associated with establishing the fishery at the site. These improvements may include fish habitat improvements, construction of the parking lot, installation of the fishing dock and dock access, and installation of a restroom.

E. Changes in Operation of Reservoir. The parties agree that water supply operations and water quality protection shall take precedence over recreation. If changes in the operation or protection of the reservoir are necessary, or if maintenance, repairs, or construction of new facilities are required, as determined by the City, these changes shall be made regardless of any impact on recreational uses or other provisions contained herein. Except for emergencies, the City shall notify the County and the Colorado Division of Wildlife of such changes, maintenance, or repairs sixty days in advance of commencement of any changes. The City shall have at all times the right to raise and lower the water level in the reservoir without restriction or liability for any effects upon recreational use. However, Westminster will use its best efforts to maintain a minimum pool of water in the reservoir at all times in order to avoid adverse impacts on the aquatic resources of the reservoir.

F. General Provisions

1. This Agreement represents the entire and integrated agreement among the parties and supersedes all prior negotiations or agreements, either written or oral regarding recreational uses at Jim Baker Reservoir. This Agreement may be amended only by written instrument signed by a duly authorized representative of each party.

2. If any clause, sentence, paragraph or part of this Agreement or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgement shall not affect, impair or invalidate the remainder of this Agreement on its application.

3. Any notice which may be given under the terms of this Agreement shall be made in writing, and shall be deemed made upon personal service or upon mailing by United States Mail, postage prepaid, to the other, and unless amended by written notice, to the following:

CITY OF WESTMINSTER

Director of Public Works and Utilities
4800 West 92nd Avenue
Westminster, Colorado 80030

ADAMS COUNTY

Parks and Community Resource Director
9755 Henerson Road
Brighton, Colorado 80601

Two originals of this Agreement shall be signed by the parties.

G. Term of Agreement

1. This Agreement shall take effect and become binding on the Parties upon approval and execution by duly authorized agents of each respective party.

2. The term of this agreement is for ten years and may be renewed for a successive 10 year period at Westminster's discretion.

3. The City may suspend or terminate this agreement and close the site to public use if it is determined in the City's sole discretion that the County's management of recreation at the reservoir is unacceptable. The City shall notify the County of its intent to suspend or terminate the agreement and the specific reason or reasons for the termination. The County shall have 60 calender days to cure the stated problems to the City's satisfaction before the agreement will terminate. The City my suspend the agreement pursuant to this paragraph upon 7 calender days notice.

H. Annual Appropriation.

The County may suspend or terminate this agreement and close the site to public access upon 7 days written notice to the City of the County's desire to abandon its rights and obligations under this agreement.

Nothing in this agreement shall be deemed as creating any multiple fiscal year obligation within the meaning of Colo. Const. Art. X, Sec. 20. All financial obligations arising under this agreement shall be subject to prior annual appropriation by the governing body or the otherwise obligated party. Any failure to provide funds as and when required hereunder shall be an event of default whereby any non-defaulting Party may terminate this Agreement.

CITY OF WESTMINSTER, COLORADO

ADAMS COUNTY, COLORADO

By: _____
Nancy Heil Guillermo A. DeHerrera
Mayor

By: _____
Chairman

ATTEST: ATTEST:

City Clerk Deputy Clerk

Approved as to legal form:

Approved as to legal form:

Date: May 13, 1996
Subject: 1996 First Quarter Activity Report
Prepared by: Mike Simmmons, Management Assistant

Introduction

Attached for City Council's review is the 1996 First Quarter Activity Report which covers Departmental activities for the quarter ending March 31.

Summary

As can be readily noted, the City continues to experience a steady increase in activity when compared to similar data from the previous year. These activities include achieving stated objectives as well as accomplishing unanticipated "opportunities."

Respectfully submitted,

William M. Christopher
City Manager

Attachment

1st QUARTER ACTIVITY REPORT
January 1, 1996 through March 31, 1996

COMMUNITY DEVELOPMENT

Open Space Division

* The City closed four purchases totalling 125 acres of Open Space northwest of Standley Lake in January. City Council "adopted" eight City-owned properties into the Open Space Program in March. Park Centre also donated a small parcel along Big Dry Creek in March. These acquisitions increased total Open Space from 1,013 to 1,211 acres. Negotiations continue on additional key properties.

* The Open Space Advisory Board and Staff completed their review of potential Open Space acquisitions, and will present their priority recommendations for the next five years to City Council in April. With Council input, these recommendations are to serve as a guide for acquiring Open Space through the Year 2000.

* The Open Space Advisory Board and Staff also reviewed applications for, and toured the proposed Neighborhood Enhancement projects for 1996. A Staff Report to City Council will identify the successful applicants.

* Acquisition efforts and final design are in full swing to complete a trail along Little Dry Creek, from England Park to Clear Creek. Open Space funds are used to acquire the land for the trail, and an ISTE A grant together with City funding will construct the trail from late 1996 through 1997.

* Work is continuing on a redevelopment plan for Little Dry Creek between approximately 72nd Avenue and Lowell Boulevard. Existing capital improvement projects such as the trail and Urban Drainage and Flood Control District channel improvements are being coordinated to fit into future plans.

* New "City of Westminster" signs have been fabricated, and will be installed at two entries this Spring - one at 69th Avenue and Sheridan Boulevard, and another at 112th Avenue and Wadsworth Parkway.

* Staff and consultants have analyzed the appearance of the City Center area, and will be preparing plans for banners, landscape improvements and similar enhancements for this key part of the City.

Building Division

Major projects completed during the 1st quarter:

- * Holiday Inn Express
- * Anderson Amoco
- * Brakes Plus
- * Bank One
- * Covenant Village

Summary of 1st quarter statistics compared to 1995:

	<u>1996</u>	<u>1995</u>	<u>% Change</u>
Construction valuation	\$45.0M	\$47.7M	-6%
Single family starts	220	205	+9%
Tenant Finishes	27	19	+42%
Commercial Plans	16	13	+23%
Residential Plans	87	97	-10%
Inspections	11,027	9,487	+16%

Engineering Division

Continuing work on major capital improvement projects yielded the following progress:

- > 72nd Avenue (Phase 1) - street lights installed during the first quarter; streetscape and final paving to occur in the second quarter
- > 72nd Avenue (Phase 2) - street construction continued through the first quarter; work to be completed in the third quarter
- > 72nd Avenue (Phase 3) - right-of-way clearance received in the first quarter; construction to begin by the end of the second quarter
- > 101st/100th Avenues - construction began in March, 1996; groundbreaking ceremony was conducted on April 15th
- > 120th/Huron Intersection - undergrounding of overhead utilities within the work area was completed; construction to commence in the second quarter
- > 128th/Huron Intersection - ROW for northeast quadrant of the intersection was secured; design work is continuing
- > Lowell Boulevard (68th to 71st) - utility installation commenced; utility work to be completed in the third quarter
- > 112th Avenue (Sheridan-Federal) - design work continued in expectation of 1997 construction of first phase
- > US 36/Sheridan/92nd Avenue - second presentation to Council was conducted in the first quarter; meetings with the Mall owner to occur in the second quarter
- > Pierce Street (Northpoint) - numerous planning meetings with Northpoint developers/consultants were held during the first quarter; schedule and scope of work are uncertain at this time
- > Old Wadsworth (north of 92nd Avenue) - RFPs have been delivered for the design of this widening; consultant selection and commencement of design to occur during the second quarter
- > Countrydale Golf Course - new staff engineer has been assigned to coordinate engineering activities on this project
- > Airport Creek (UDFCD) - construction of channel improvements to the southern section of the Sheridan Green greenbelt began in the first quarter; work will continue through the summer
- > Westminster Center Park-n-Ride trail - agreement with CDOT was approved in the first quarter; consultant selection to occur in the second quarter
- > Sidewalk Connections - no activity during the first quarter due to lack of funding for top priority (Pierce Street sidewalk, 92nd to Mandalay Middle School); other priorities will be considered during the second quarter
- > Traffic Signals - warrant studies were concluded and recommended installations were presented to Council
- > Meadowlark Fence - materials and construction bids were received and awarded during the first quarter; fence construction will begin in early May
- > Greenlawn Traffic Mitigation - no activity during the first quarter; an action plan will be presented to Council during the second quarter
- > Pillar of Fire Storm Sewer - consultant has been selected; meetings have been held with PR&L and other interested parties to coordinate this project with the design of Cobblestone Park

Planning Division

- > Major projects approved through the planning process during the first quarter of 1996:
 - * Melody Plaza Amended PDP
 - * Security Storage ODP and Conditional Use Permit
 - * 2nd Amended Olson Tech PDp and 2nd Amended Olson Tech ODP
 - * Kelman Filing 1 Amended ODP for Village Inn signage (denied)
 - * Countryside 15 - Amended ODP for models

Planning Division (continued)

- * Cambridge Farm - Amended ODP for models
- * Tri-State Generation Amended ODP
 - * Crystal Lakes Administrative Amendment for architectural changes
 - * Administrative Amendment for architecture and signage for On the Border at Brookhill
 - * Administrative Amendment for fencing at Belleview Terrace PUD (Buddhist Temple)

- > Summary of Development Review Activities:
 - * 15 Planning Commission/City Council Agenda Items
 - * 6 Transportation/Special Use & License Board Hearings
 - * 6 Administrative ODP Approvals/Waivers
 - * 5 Referrals by other agencies
 - * 19 Items reviewed in Concept and Technical Review
 - * 800 Technical Assistance Inquiries from the General Public
 - * 26 Sign permits approved
 - * 40 Building permits approved
 - * 69 Business Licenses approved

- > Major Planning Activities
 - * Assistance on Urban Renewal Program
 - * Economic Development Support Activities
 - * Update of land use and demographic data base
 - * Growth Management Program Coordination
 - * Rocky Flats Local Impacts Initiative - Land Use Committee support
 - * Future JeffCo - Policy Group support
 - * Jefferson and Adams County Growth Summit meetings
 - * Comprehensive Plan
 - * Landscaping Regulations (Received Final Draft)
 - * Westminster Mall Enhancement Study - Design charette
 - * Coordination of North Point Center Design Study with DTJ
 - * Preliminary Golf Course layouts for proposed Countrydale Golf Course
 - * 1996 Single Family Detached Service Commitment Allocation and Growth Management amendments
 - * Axtell Property Land Use Plan
 - * Monitoring of the DRCOG Vision 2020 Process
 - * Jeffco Enclave IGA - Land Use Study
 - * Northpoint/AMC Planning Studies
 - * Westminster Plaza Redevelopment Effort

Economic Development Division

- > Continued maintenance of real estate date base through regular contact with property owners and commercial real estate brokers. Also provided property updates to the Jefferson Economic Council and Adams County Economic Development.
- > Worked with project team on the Northpoint project.
- > Continued work with Protogenic to facilitate new project.
- > Finalized assistance package for Tri-State Generation.
- > Continued work with Pacifica and ConferTech to facilitate ConferTech's expansion plans.
- > Continued assistance on two grocery store projects.
- > Processed 6 Small Business Assistance Scholarships and have 2 more pending.
- > Summary statistics for 1st quarter 1996:

* New prospect files opened this quarter	16
* Current active prospects	40
* Number of inquiries (demographics, sites, buildings, business assistance program, etc.)	450

FINANCE DEPARTMENT

The following represents significant activity statistics for the first quarter of 1996 compared to the same period in 1995.

- > Pension participants continue to actively manage their portfolios as evidenced by 57 more transfers processed, an increase of 259%.
- > Both the number of sales and use tax returns processed and the number of estimated assessments issued dropped. There were 5,541 returns processed, 346 less than last year. There were 482 estimated assessments issued, 40 less than a year ago.
- > There were 862 more purchase orders issued, 32% more than last year. This is attributed to a change in procedures where more input of purchase orders is decentralized. Although the volume processed is greater, the efficiency for the Finance Department improved.
- > There were 130 fewer accounts payable invoices processed, but the number of accounts payable checks was only 23 less than at the same time last year.
- > The requests for support from Data Processing staff continues to grow exponentially. There were 215 more requests for programming support, an increase of 234%; 513 more for microcomputer support, up 47%; and 472 more requests for computer operations support, up 50%.
- > There were 78,137 utility accounts billed, an increase of 13%.
- > There were 1,202 more disconnect notices mailed, an increase of 62%. The number of meters actually shut off was 86 more, which is 23% greater than last year.
- > The applications for the utility rebate program continue to dwindle. This quarter there were only 7, as compared to 17 in 1995, a drop of 59%.
- > At the end of March, 1,031 accounts were participating in the PIE (Payment Issued Electronically) program.
- > The total number of accounts participating in the budget billing program is 368 at the end of March.

FIRE DEPARTMENT

* Following is year-to-date statistical data with previous year comparison. Also provided is the percent of increase or decrease in activity where appropriate.

<u>CATEGORY</u>	<u>1996</u>	<u>1995</u>	<u>CHANGE</u>
Alarms Total:	1,360	1,199	+11%
Struct/Veh.Fires:	31	33	- 6%
Emerg. Medical:	879	810	+ 8%
Amb. Transport:	574	561	+ 2%
Amb. Revenue:	\$146,673	\$137,067	+ 7%
Westy-MED Enroll.	82	88	- 7%
Pub. Ed. Classes:	121	201	-40%
All Inspections:	1,054	1,052	0%
Training Hours:	14,687	3,463	+76%

Westminster ambulances transported 574 patients, an increase of 3.6% in the first quarter of 1996 over the number of transports in the first quarter of 1995. Ambulance revenue also jumped 9.3% in the first quarter of 1996 compared to 1995.

The Westminster Combat Challenge Team competed in the national competition in Tampa, Florida on January 6, and placed sixth in a group of 75 in an extremely competitive event. ESPN will televise this year's competition at a date yet to be announced.

FIRE DEPARTMENT (continued)

The Fire Investigation Team began a cooperative effort with the Westminster Police Department to qualify the Fire Investigators to be commissioned Level II Peace Officers. This commissioning process enables Fire Investigators to perform many of the functions previously required to be handled by a Police Detective. When the program is completed, Fire Investigators will be able to process their cases from arrest to filing with the respective District Attorneys.

Westminster's Emergency Medical Technicians (EMT's) recently took the practical exam for EMT certification. The exam consisted of medical, trauma, and environmental scenarios, CPR and oral airways testing, and a skills testing station for splinting. EMT's must recertify every three years. In addition to the practical test, EMT's must also take a State written exam.

The Department's "free smoke detector program" which is funded through the City's Recycle Program, was credited with saving its first life. Fire crews from Station 4 responded to the Cotton Creek subdivision on January 25 and found a basement bedroom on fire and all occupants of the house safely evacuated. The homeowner was alerted to the fire by one of the smoke detectors provided to them by the Fire Department only two months prior.

The Fire Department and US on Wheels combined efforts to sponsor a public education event called "Safe and Skate Day." Participation at this safety event doubled when compared to last year.

GENERAL SERVICES DEPARTMENT

Administration

Major training activities for the first quarter included:

- * Supervisor Academy-32 people at 4 hours each
- Team Leadership Skills Training-12 people at 32 hours each
- Effective Presentations workshop-12 people at 16 hours each
- Working In Teams pilot workshop-8 people at 16 hours each
- Working In Teams workshop-12 people at 16 hours each
- Computer classes-26 people attending various computer classes at 6.5 hours each
- Specialized training for the Fire Department on the City's Substance Abuse Policy
- Presented an overview of the City's Training requirement to new employees at Orientation
- Coordinated 1st Quarter Management Team Luncheon

Other Major Activities:

- Completed and distributed 1996 Employee Development and Training Catalog
- * The ERAT committee coordinated the promotion luncheon, customer service champions surprise parties, and the Teams In Action luncheon for the fourth quarter.
- * The Facilitator Team continued to work on team building issues with the Library, and City Park Recreation staff. City Manager's Office and the Library circulation staff are working with the City's Facilitator Team to establish customer service standards for their respective work groups. Facilitators are also working on the joint library venture with City staff, Front Range Community College staff, and local business/school district leaders. The Performance Appraisal Task Force group is also working with the Facilitator Team.

GENERAL SERVICES DEPARTMENT (continued)

Volunteer Program Activities:

* Category	Number of Inquiries		
	1st Qtr 1996	1st Qtr 1995	% Change
Volunteers	69	35	+97%
Interns	29	21	+38%
Community Svc.	18	17	+ 6%

- * Three hundred and fifty-four volunteers donated 8242.5 hours in the First Quarter.
- * There are 101 volunteer crossing guards.
- * Six new intern positions were created during the First Quarter of 1996.
- * Partnership Project: Recruiting for CSU Extension Service - Family Living and for Channel 12. Receiving interns from NET (Next Environment Transitions)/Jefferson County Public Schools and Warren Tech's Business and Technology Internship Program. Job Shadowing Program with Niver Creek Middle School/Communities in Schools/Adams County District #12.
- * Wrote and sent out the second quarterly Volunteer Newsletter.
- * Volunteer Management Training Attendance:
 - Part I 24 volunteer supervisors attended
 - Part II 14 volunteer supervisors attended
 - Parts I + II 12 volunteer supervisors attended

Building Operations & Maintenance

Major activities for the first quarter included:

- * Maintenance staff completed a total of 845 work requests during the 1st quarter of 1996. 592 were corrective and 253 were preventative. This compares to 808 during the 1st quarter of 1995.
- * The Council Chambers projector was relocated to achieve quieter operation.
- * A glass partition was installed for the Police Dept. balcony to prevent the possibility of children falling.

Capital Improvement Projects:

- * 100 percent water efficient infrared toilet flush valves were installed in the rest rooms at City Park Recreation Center.
- * The Animal Shelter roof was replaced with a new Firestone roof.
- * The metal doors at City Park Pool were replaced with fiber glass doors. The high humidity in the pool area caused the metal doors to rust and required that they be replaced every 2-3 years.
- * The Police Dept. Investigations Division offices were remodeled and new carpet was installed.

City Clerk's Office

Summary of year-to-date statistics compared to 1995:

	1996	1995	%Change
Councillor Bills	16	13	+23%
Ordinances	15	15	0%
Resolutions	11	18	-39%
New business licenses	14	21	-67%
Active business licenses	1,439	1,391	+ 3%
Home occupation licenses	1,010	926	+ 9%
Sales tax licenses	1,327	1,243	+ 7%
Licensed refuse haulers	7	7	0%
Solid Waste vehicles	85	65	+31%
Recycling vehicles	22	20	+10%
New liquor licenses	2	2	0%

GENERAL SERVICES DEPARTMENT (continued)

Employee Services

Major Activities in the 1st Quarter of 1996:

- * Recruitments included: Animal Control Officers, Fire Department Intern, Landscape Architect Intern, Payroll Technician, Traffic Accident Investigator, Fire Engineer, Deputy Court Clerk, Administrative Secretary, Firefighter I, Open Space Volunteer Coordinator, Civil Engineer I, Building Plans Analyst, Employee Development Coordinator, Cashier Clerk, Assistant City Attorney, Records Specialist and numerous seasonal positions.
- * Salary Survey process including: CML Survey; Special surveys, position audits, restructuring requests
- * Redesigned and distributed an Employee Benefits Letter
- * Initiated a Performance Appraisal System review task force
- * Restructured the Employee Advisory Committee
- * Personnel Board meeting and briefing - February 29
- * Orientations: 15 Benefitted, 42 Non-Benefitted and Seasonal
- * 596 Personnel Action forms were processed
- * 1,093 applications were received and 373 candidates were tested/interviewed

Fleet Maintenance

Summary of 1st quarter statistics:

	<u>1996</u>	<u>1995</u>	<u>%Change</u>
# repair orders	1,977	1,609	+19%
Gallons of diesel fuel	21,940	23,748	- 8%
Gallons of unleaded fuel	48,487	54,997	-12%
Used motor oil collected	5,439	6,256	-13%

Other major activities:

- * Preparations for Westminster Pride Day, May 11 event have begun with 250 volunteers registered.
- * Fleet Maintenance assisted in the specification, bid and purchasing process of new City vehicles.
- * 17 City vehicles "ran until they were dropped" off at the auction this year.

Municipal Court

Due to the conversion to a new records management system computer, statistics are not available for the 1st quarter of 1996.

Risk Management

Major activities in the 1st quarter 1996 included:

- * Processed 31 workers' compensation claims compared to 7 during the fourth quarter of 1995.
- * Processed 15 property & liability claims compared to 10 during the fourth quarter of 1995.
- * 10 new benefitted employees were added to the program and oriented to the City by benefits staff.
- * 28 non-benefitted employees were oriented to the City's safety program for seasonal employees.
- * The Employee Wellness Program ended the first quarter 1996 with 407 employees participating.

GENERAL SERVICES DEPARTMENT (continued)

- * The Wellness Program held its annual Health Fair, in which approximately 250 employees participated, compared to 190 last year.
- * The Wellness Program implemented new requirements for each Wellness member. Each member is to meet with Wellness staff to discuss lifestyle habits and/or changes. The Wellness staff called, organized and met with each Wellness member, approximately 20 min. interviews. Each Wellness member received a medical self-care book and a Wellness t-shirt.
- * The Wellness Program assisted 5 employees in strength training programs.
- * Wellness staff screened approximately 250 blood pressures.
- * Wellness staff organized a series of Health Education classes. These classes consisted of topics such as, "How to Start An Exercise Program" and "How to Maintain a Low Fat Diet"
- * The Wellness Program implemented a smoking cessation program, in which 25 employees enrolled for.
- * The Wellness Program, along with The American Red Cross developed a Slim for Life program in which 20 employees participated.
- * The Wellness Program is preparing for its annual exercise challenge, Walk the Walk.

PARKS, RECREATION & LIBRARIES

Library Services

Circulation

	<u>1996</u>	<u>1995</u>	<u>% Change</u>	
76th Avenue Library		70,411	65,163	+8%
Kings Mill Library		29,372	26,820	+9.5%
Bookmobile	5,066	5,179		-2%
Total All Facilities		104,849	97,162	+7.9%

Patronage

Patrons	57,791	58,417	+1%
Reference Questions	8,200	9,693	+18%
Program Attendance	1,490	1,450	-2%

The Design Development phase of the Joint Library project was completed this quarter. The plans for the building are essentially complete, and the architects will be preparing Construction Documents during the second and third quarter. Groundbreaking is tentatively scheduled for late September or early October.

Staff from Westminster and the Community College library have been meeting to work out plans for furniture, equipment, automation, and other operating issues for the new library.

City of Westminster staff began the process of ordering the opening-day collection. The goal for opening day is 100,000 new books.

The Library received notice that it will receive a John Cotton Dana award for Marketing at the American Library Association Conference in New York City in July. The Library was one of only 10 libraries nationwide to receive this honor.

Recreation Facilities

Summary of 1996 first quarter statistics compared to the first quarter of 1995:

	<u>1996</u>	<u>1995</u>	<u>% Change</u>
Drop-in Participation:			
<u>January</u>			
City Park	31,760	31,425	1%
Swim & Fitness	10,431	9,903	5%
Countryside	1,129	1,242	-9%
Senior Center	5,552	4,702	18%
<u>February</u>			
City Park	32,494	27,591	18%
Swim & Fitness	10,314	8,582	20%
Countryside	1,203	1,452	-17%
Senior Center	6,034	4,163	45%
<u>March</u>			
City Park	38,708	34,071	14%
Swim & Fitness	11,780	10,201	16%
Countryside	856	780	10%
Senior Center	5,823	5,022	16%

YTD Participation

	<u>1996</u>	<u>1995</u>	<u>% Change</u>
City Park	102,962	93,087	11%
Swim and Fitness	32,525	28,686	13%
Countryside	3,188	3,474	-8%
Senior Center	17,409	13,887	25%

Aquatics Program

	<u>1996</u>	<u>1995</u>	<u>% Change</u>
January	1,119	1,202	-7%
February	525	507	4%
March	542	558	-3%
Year to Date	2,186	2,267	-4%

YTD Facilities Revenue

	<u>1996</u>	<u>1995</u>	<u>% Change</u>
City Park	\$222,119	\$211,046	5%
Countryside	\$ 6,473	\$ 6,128	6%
Swim & Fitness	\$ 67,871	\$ 59,145	15%
Senior Center	\$ 32,266	\$ 39,350	-18%

Recreation Programs

Summary of 1996 first quarter statistics compared to 1995:

Program Participation

	<u>1996</u>	<u>1995</u>	<u>% Change</u>
January	4,979	4,472	11%
February	2,259	2,031	11%
March	1,600	1,579	1%
Year-to-Date	8,838	8,082	9%

Program Revenue

	<u>1996</u>	<u>1995</u>	<u>% Change</u>
Year-to-Date	\$130,488	\$126,741	3%
<u>Standley Lake Revenue</u>			
Year-to-Date	\$ 97,230	\$ 72,300	35%

POLICE DEPARTMENT

The Police Department is still in the process of converting the crime data collection system to the new National Incident-Based Reporting System (NIBRS). Because of the drastic change in format, content and measurement criteria, data is not available at this time. Staff expects to have crime statistics in the next few months.

A reorganization occurred during the first quarter of 1996. The reorganization included the creation of a Community Services Division, headed by Captain Don Hauptmann; the creation of a Neighborhood Services Section which includes Code Enforcement and Animal Control, and is headed by sergeant Steve Peterson; and the streamlining of the Support Services Division which is headed by Janice Kraft and includes Records, Communications and Property Evidence.

During February and March, members of the Special Crime and Tactics Unit worked extensively at the Westminster Mall in an effort to curtail juveniles who were violating Mall policies and engaging in disruptive activity. The SCAT efforts were successful in reducing the amount of youth disturbances, and citizens and merchants were appreciative of the Police Department's cooperation and action.

Staff completed research on the photo radar system technology and City Council gave the go-ahead to meet with different community groups in order to determine how people feel about the use of this technology. City Council will be advised of the results of this public information effort.

PUBLIC WORKS AND UTILITIES

Administration Division

Major activities during the first quarter included:

- * Negotiations continue with the United States Department of Energy (DOE) on finalizing the Standley Lake Protection Project/DOE Operations and Maintenance agreement.
- * Administration Staff continue their participation and active roles in the Community Oriented Governance (COG) Program and assistance to the overall coordination of the Program, as it now covers the entire City with eleven active COG teams.
- * Work continues on the internal audit of City facilities to ensure compliance with all federal and state environmental regulations.
- * Groundwater contamination from a dry cleaner facility in Park Centre is under investigation. Staff has been contacted by a nearby day care center that is concerned about the contamination.
- * Petroleum contaminated soil was encountered during installation of a sewer line at 68th Avenue and Lowell Boulevard. The contaminated soil was heat treated prior to disposal.
- * An oily substance was encountered during the excavation of a trench for the replacement of a storm drain near 112th Avenue and Harlan Street. The substance was determined to be non-hazardous and was disposed of properly.
- * The Environmental Advisory Board initiated the Green Corner in City Edition to help educate the public on City sponsored environmental programs.

Street Division

* Citywide Enterprises, Inc., was awarded the 1996 Customer Service Concrete Replacement Program. The bid includes removing deteriorated concrete from 235 locations listed on the Citizens' Requests for Concrete Replacement List, 22 property owners who are participating in the 50/50 Cost Sharing Concrete Replacement Program, and 10 locations where deteriorated crosspans are being replaced.

* Rives Enterprises, Inc., was awarded the 1996 Street Improvement Concrete Replacement Program at the February 12 Council meeting.

Start up of the project began March 11.

* Western Mobile-Boulder was awarded the 1996 Chipseal Project at the January 22 Council Meeting. The \$290,550 project represents a total of 35.5 lane miles of pavement surface improvements at 38 locations throughout the City.

* Asphalt Specialties, Inc., was awarded the 1996 Community Development Block Grand Funded - Hooker Street Improvement Project at the February 26 Council meeting. The project includes water line replacement and curb, gutter, and sidewalk replacement, and street reconstruction on Hooker Street between 72nd Avenue and 71st Avenue.

* Brannan Sand & Gravel was awarded the \$2.2 million 1996 Asphalt Pavement Rehabilitation Project at the March 18 Council meeting.

* Crews cracksealed asphalt failures on all streets earmarked for the 1996 Chipseal Program.

* Browning-Ferris Industries (BFI) increased sweeping of arterials to twice per month this quarter to remove snow materials after a storm, which reduces air pollution.

* A total of 56 hours were worked by people performing community service duties. They worked on graffiti removal and greenbelt, street, and sidewalk cleanup.

* A total of 12 snow storms occurred this quarter, necessitating 2,553 staff hours and \$43,790 in materials to maintain snow removal operations.

* The spring first-rotation of painting crosswalks, arrows, and legends pavement markings began March 11 and will continue through April 12.

Summary of first quarter street operation statistics compared to 1995:

	<u>1996</u>	<u>1995</u>	<u>Percent Change</u>
Striping miles	4,250	10,500	-60%
Signs installed	51	52	-2%
Signs repaired	250	331	-12%
Miles street swept	2,234	2,433	-8%
Pothole hotline calls	12	13	-8%
Customer Service Requests	37	40	82%
Concrete Replacement Requests	56	63	-11%
Graffiti removal hours	486	486	0%

Utilities Division

* During the first quarter, the Utilities Division experienced one sewer backup. This is the same as what was experienced during the same period in 1995.

* Water breaks this quarter increased approximately 227 percent. There have been 49 water breaks year-to-date compared to 15 during the same quarter last year.

* The Construction Crew focused on replacing 2,280 feet of water lines during the quarter, and worked on a special project of installing emergency water interconnects with the Cities of Crestview and Broomfield.

Summary of first quarter Utilities Operations statistics compared to 1995:

	<u>1996</u>	<u>1995</u>	<u>Percent Change</u>
BDC treated gallons/day	5.15M	4.81M	+7%
Metro treated gallons/day	3.66M	3.46M	+6%
Water consumption/day	9.8M	9.4M	+4%
Water taps installed	135.0	88.0	+53%
Water line installed/feet	2,280.0	1,670.0	+37%
Water main breaks repaired	49.0	15.0	+227%
Sewer line installed/feet	0.0	0.0	

Water Resources Division

* The Home Builders' Association (HBA) Joint Water Management System study continues to progress. The Geographical Information System (GIS) portion is nearing completion and a demonstration was given to the Westminster Home Builders Association (HBA) in March. The HBA has requested a contribution from the City to construct the 10 water-conserving homes called for in the study. This request is being evaluated.

* The City now has representation on the Church Ditch Board.

* Negotiations were held with Central City, Black Hawk, and Gilpin County on their augmentation plans which would affect Standley Lake water quality.

* Standley Lake Nutrient Control Study completed. Aeration was identified as the most appropriate alternative. Selection of best method and pre-design due for completion in second quarter.

* Treated Water Master Plan activities will re-start during second quarter as Comprehensive Master Plan progresses.

* BFI Industries announced their intent to expand the types of wastes handled at the Foothills Landfill. The proposal will increase potential for contamination in Leyden Creek portion of Standley Lake water supply.

* Rocky Flats released draft of Vision and new Cleanup Agreement. Some issues of concern for the City will need resolution in the agreement. Comments will be prepared and submitted in second quarter.

* Woman Creek Reservoir was completed and began storing water. Negotiations on the operations agreement and establishing a contract to form a water authority to own and operate the Standley Lake Protection Project continued.

* The cleanup of the Colorado School of Mines tailings pile along Clear Creek was completed.

* The second option for Sylvan Reservoir and the Lyman Ditch was exercised. These water rights would be used for the Henderson Tunnel Project.

* Snowpack in the Clear Creek basin was approximately 150% of average at the end of the first quarter.

* Staff continued to make modifications to the Clear Creek Watershed Management Model to link the input and output to the City's GIS system.

* Settlement was reached with a number of objectors in the Kershaw/Manhart water rights change of use case. Settlement was pursued, but not yet reached with Arvada, Golden, and Thornton.

* Two shares of Farmers' High Line Canal & Reservoir Company, 0.50 share of Farmers Reservoir and Irrigation Company, and 165 Church Ditch inches were purchased.

Summary of first quarter year to date raw water statistics compared to 1995:

<u>Raw Water Stats (Acre Feet)</u>	<u>1996</u>	<u>1995</u>
Croke Canal Inflows	7,162	4,099
Kinnear Ditch Pipe Line Inflows	234	34
Total Standley Inflows	7,396	4,133
Westminster Releases From Standley	2,174	1,786

Date: May 13, 1996

Subject: Quarterly Insurance Report

Prepared By: Willie Daniels, Risk Management Specialist

Introduction

The following is a list of the third party claims filed with the City from January 1, 1996 through March 31, 1996. No Council action is requested at this time.

Summary

The information provided on each claim includes the claim number, date of loss, claimant's name and address, a brief summary of the claim and the claim's status. Since all claims represent a potential liability to the City, Risk Management Staff works closely with the City Attorney's Office to make sure that the interests of both the City and the citizen are addressed in each instance. All of the claims listed in this report are in compliance with City Ordinance No. 1411 of 1984.

Staff Recommendation

Staff is not recommending any action at this time.

Background Information

The following claims were received by the Risk Management Division during the first quarter of 1996:

1. WS16686001 Date of Loss: December 24, 1996. Deborah Spillman, 10434 Holland Place, Westminster, CO 80030. Claimant alleged damage to her basement carpet, drywall and paneling as a result of a water main break. CIRSA investigated the claim and paid the claimant \$2856.83.
2. WS14636002 Date of Loss: January 1, 1996. Mr. John Peltz, 7491 Newton Street, Westminster, CO 80030. Claimant alleged that his pickup truck was hit during a snowstorm by an employee driving a City vehicle. CIRSA investigated the claim and paid the claimant \$800.00.
3. WS12506003 Date of loss: January 7, 1996. Ms. Kathy Smith, 4093 Upham Street, Wheatridge, CO 80033. Claimant alleged that she was injured while working out at City Park Recreation Center. Claimant stated that she was using the leg extension machine and her feet slipped off of the metal foot pedals and it injured her shins. CIRSA investigated the claim and paid the claimant \$1291.45.

4. WS12506004 Date of Loss: February 3, 1996. The City of Westminster received allegations of frostbite resulting from an emergency evacuation at City Park Recreation Center. The claimants are (1) Jeff Carter, 10081 Yates Street (2) Bob Benefiel, 10570 W. 102nd. Place (3) Riley and Whitney Helstein, 10630 W. 103rd. Ave. (4) Briana Lee, 8903 Princeton Street (5) Joey Ariniello, 3877 W. 103rd Drive (6) John and Sarah Frey, 9989 Newton Court (7) Shari Thompson and daughter, 10778 Lewis Circle (8) Donna McAferty, 10917 Fenton Circle (9) Suzanne Atkinson, 9142 Utica Street. (10) Joanna Cressna, 5790 W. 79th. Ave., Arvada, CO 80003. (11) Kevin and Dana Hunt, 6950 Avrum Drive, Denver, CO 80221 have filed a notice of claim through their attorney. The amount has not been specified. CIRSA has paid \$196.00 in medical bills and is continuing to investigate the Hunt claim.
5. WS12496005 Date of Loss: August 15, 1995. Mrs. Geraldine Gould, 8734 Chase Drive, Apt.#136, Arvada, CO 80003. Claimant alleged she hurt her hip and leg when she became entangled with a chain attached to a picnic table at Squires Park. Damages have not been specified. CIRSA has denied the claim.
6. WS13596006 Date of Loss: February 4, 1996. Mr. Steve Romero, 9105 Lowell Court, Westminster, CO 80030. Claimant alleged that his basement carpet was destroyed after a sewer backup in the City's sewer line. Claimant was paid a settlement of \$2290.56.
7. WS16686007 Date of Loss: February 7, 1996. Nancy Travis, 8701 Circle Drive, Westminster, CO 80030. Claimant alleged that her driveway was damaged after a water main break. Claimant seeks to have a portion of her driveway repaired.
City Staff hired a contractor and 120 square feet of driveway have been replaced.
8. WS16686008 Date of Loss: February 7, 1996. Mr. James Davidson, 8711 Circle Drive, Westminster, CO 80030. Claimant alleged that his retaining wall was damaged after a water main break and sought repair to the retaining wall.
Claimant was paid a settlement of \$740.00.
9. WS14636009 Date of Loss: January 16, 1996. Mr. William Scheffel, 5794 W. 71st. Ave., Arvada, CO 80003. Claimant alleged that his vehicle was hit by a City of Westminster employee driving a dump truck during a snowstorm. Claimant has been paid vehicle repair cost of \$4165.89.
10. WS16686010 Date of Loss: January 16, 1996. Ms. Ina Mae Moore, 300 W. 123rd. Ave., #2613, Westminster, CO 80030. Claimant alleged that the paint on her car was damaged during a water main break. Claimant asked that her car be repainted. CIRSA has denied the claim.
11. WS12526012 Date of Loss: February 13, 1996. Ms. Mildred Stetson, 3471 W. 95th. Ave., Westminster, CO 80030. Claimant alleged that her daughter slipped and cut her chin at City Park Recreation Center when a lifeguard accidentally sprayed water in the direction of her child. The lifeguard was cleaning the deck of the pool area. CIRSA has paid \$301.90 in medical bills.

12. WS01056013 Date of Loss: February 9, 1996. Mr. Robert Cameron, 8250 Circle Drive, Westminster, CO 80030. Claimant alleged that his vehicle was hit by a City employee operating a City of Westminster vehicle. A settlement of \$450.04 has been paid to Mr. Cameron.
13. WS11466015 Date of Loss: March 4, 1996. Ms. Boni Erickson, 3551 Kellog Pl., Westminster, CO 80030. Claimant alleged that she drove over some wire in the street on Bradburn Boulevard which damaged the underside of her car. Claimant sought reimbursement for repairs to her vehicle. CIRSA has denied the claim.
14. WS12506016 Date of Loss: March 16, 1996. Ms. Mellodie Fish 5870 Newcombe Ct., Arvada, CO 80004. Claimant alleged that she hit a median in the parking lot at City Park Recreation Center damaging her vehicle. Claimant sought reimbursement for the repairs to her vehicle. CIRSA has denied the claim.

Respectfully submitted,

William M. Christopher
City Manager