



WESTMINSTER
COLORADO

May 14, 2001
7:00 P.M.
AGENDA

Please turn OFF cell phones and pagers during meetings

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

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

1. Pledge of Allegiance
2. Roll Call
3. Consideration of Minutes of Preceding Meetings
4. Presentations
 - A. Proclamation for Small Business Day May 15th and recognition of Anna Brooks of Brooks Electric
 - B. Youth Advisory Panel Outgoing Member Recognition
 - C. National Recreation and Parks Assoc Excellence in Aquatics Award
 - D. Proclamation re Bill Christopher Appreciation Week (May 14-18, 2001)
 - E. Employee Recognition re 10, 15, 20 and 25 years of Service
 - F. Proclamation re Public Works Week – May 20-26, 2001
5. Citizen Communication (5 minutes or less)
6. Report of City Officials
 - A. City Manager's Report
7. City Council Comments

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

8. Consent Agenda
 - A. Design Contract for Quail Creek and Bull Canal Relocation with Felsburg Holt and Ullevig
 - B. Purchase of Commercial Size Water Meters from Mountain states Pipe & Supply for \$116,827
 - C. CB No. 15 Comprehensive Land Use Plan Amendment to Public/Quasi-Public Office (Atchison-Hicks)
 - D. CB No. 18 Comprehensive Land Use Plan to Traditional Mixed Neighborhood Devel (Dixon-Atchison)
 - E. CB No. 19 rezoning Bradburn property from Open District (O-1) to PUD (Dixon-Atchison)
 - F. CB No. 20 re Sheridan Blvd 113th to 118th Ave Construction Contract Appropriation (Atchison-Dixon)
 - G. CB No. 21 re Transfer From General Fund to Capital Projects Fund (Atchison-Dixon)
9. Appointments and Resignations
 - A. Metro Wastewater Reclamation District Board of Directors Reappointment (Ragsdale)
 - B. Resolution No. 27 re Resignation & Appointment to Personnel Board (DiTirro)
10. Public Hearings and Other New Business
 - A. TABLED – Purchase of Street Sweeper from MacDonald Equipment for \$124,909
 - B. Public Hearing re Bruchez Farmhouse CLUP Amendment at 3640 West 112th Avenue
 - C. Councillor's Bill No. 23 re Bruchez Farmhouse Comprehensive Land Use Plan (CLUP) Amendment
 - D. Councillor's Bill No. 24 re 136th Avenue General Improvement District Amendment
 - E. IGA with Adams County re HOME Investment Partnership Act Program funding from HUD
 - F. Councillor's Bill No. 25 re \$18.695 M Certificates of Participation for Public Safety Building
 - G. Councillor's Bill No. 26 re Storm Water Utility
 - H. Resolution No. 29 re Storm water Management
 - I. Resolution No. 28 re .8 FTE Neighborhood Outreach Coordinator position
 - J. Community Oriented Governance (COG) Consolidation
 - K. Resolution No. 30 re Mayor Pro Tem Dixon's Default to the City

- 11. Old Business and Passage of Ordinances on Second Reading**
None
- 12. Citizen Presentations (longer than 5 minutes) and Miscellaneous Business**
 - A. City Council
 - B. Request for Executive Session
 1. Negotiations with Butterfly Pavilion
- 13. Adjournment**

GENERAL PUBLIC HEARING PROCEDURES ON LAND USE MATTERS

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

CITY OF WESTMINSTER, COLORADO
MINUTES OF THE CITY COUNCIL MEETING
HELD ON MONDAY, MAY 14, 2001 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE:

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

ROLL CALL:

Mayor Heil, Mayor Pro Tem Dixon, Councillors Atchison, Hicks, Kauffman, and Merkel were present at roll call. William Christopher, City Manager; Martin McCullough, City Attorney; and Michele Kelley, City Clerk were also present. Councillor Moss was absent.

CONSIDERATION OF MINUTES:

Councillor Atchison moved, seconded by Councillor Hicks to accept the minutes of the meeting of April 23, 2001 with no corrections or additions. The motion carried with Councillor Merkel abstaining.

Councillor Atchison moved, seconded by Councillor Hicks to accept the minutes of the special meeting April 30, 2001 with no corrections or additions. The motion carried with Councillor Merkel and Councillor Atchison abstaining.

PRESENTATIONS

Mayor Heil presented Anna Brooks of Brooks Electric and Chris Chavez of the US Small Business Administration with proclamations celebrating May 15, 2001 as Small Business Day.

Mayor Heil and Councillor Hicks recognized Lindsey Leuenberger, Jessica Woods, Andrew Wasny, and Sean Woytek, outgoing members of the 2000-2001 Youth Advisory Panel with commemorative plaques.

Mayor Heil accepted the Excellence in Aquatics Award from Maria Stamats of the National Recreation and Parks Association. Laura Magnetti, Ken Watson, Brian Crofer, Karen Layfield, Bill Walenczak, Tim Lachermeier, and Gina Barton, who were all part of the aquatics program, were present.

Mayor Heil presented a proclamation to Bill Christopher, City Manager, proclaiming May 14-18 as "Bill Christopher Week." Members of the ERAT team, Veronica Smith, Pam Mayhew, Kathleen Hix, Judy Warhola, Laura Rector, Lili Cox, and Viola Duran were present.

Mayor Heil presented Employee Service Awards to the following employees for 10 years of service: John Bazzanella, Eric Burns, Denise Cleere, Fred Fawcett, Susan Rafton, Debra Harmon, Derik Menard, and Katherine Skarbek; for 15 years of service: Jeanne Bury, Ronald Garcia, Gayle Geraci, Frank Grasmugg, Debbie Mitchell, and Joel Sherry; for 20 years of service: Robert Airhart, Dave DiCarlo, Anthony DiTirro, Michele Hill, Ronald McQuiston, Paul Newton, Randall Peterson, and Richard Spahn. The following employees were presented awards and checks for 25 years of service: Lloyd Estes, Tom Settle, and Brad Sundling.

Mayor Heil presented a proclamation to Rob Dinnel, Equipment Operator I, proclaiming May 20-26 as "Public Works and Utilities Week."

CITIZEN COMMUNICATION:

Laura Bergstreser, 9201 Lamar St addressed Council on the cruising enforcement being done at 92nd Avenue and Lamar.

Judy Alvers, Jefferson Center for Mental Health addressed Council on May being Mental Health Month and thanked the City for their support.

Linda Cherrington, 9211 Julian Way, President of the Westminster Historical Society, addressed Council requesting a letter indicating the City would maintain a statue at Fire Station #1, if grant money is funded.

Greg Pagel, 14527 Jason Drive, asked Council for a copy of the budget as he is working on a merit badge for citizenship in the community and needs this information.

CITY MANAGER COMMENTS:

City Manger, Bill Christopher reminded Council that the next Council Meeting is scheduled for next Monday, May 21, 2001 because of the Memorial Day Holiday.

CITY COUNCIL COMMENTS:

Mayor Pro-Tem Dixon commented that she attended the Economic Development Showcase Event. She also stated that she attended the Fire Station #5 open house, with over 300 people in attendance.

Councillor Merkel commented that the HOV lanes on US 36 are now open. She also thanked everyone for the concern for her son's illness.

CONSENT AGENDA:

The following items were considered as part of the Consent Agenda: Design Contract for Quail Creek and Bull Canal Relocation with Felsburg, Holt and Ullevig; Purchase of Commercial Size Water Meters from Mountain States Pipe & Supply for \$116,827; CB No. 15 CLUP Amendment to Public/Quasi Public Office; CB No. 18 CLUP Amendment to Traditional Mixed Neighborhood Development; CB No. 19 rezoning Bradburn property from Open District (O-1) to PUD; CB No. 20 re Sheridan Blvd 113th to 118th ave Construction Contract Appropriation; CB No. 21 re Transfer from General Fund to Capital Projects Fund.

The Mayor asked if there was any member of Council or anyone from the audience who would like to have any of the consent agenda items removed for discussion purposes or separate vote. There was a request from the audience to remove CB No. 19 re rezoning Bradburn property for clarification on the location.

Councillor Atchison moved, seconded by Councillor Merkel to adopt Design Contract for Quail Creek and Bull Canal Relocation with Felsburg, Holt and Ullevig; Purchase of Commercial Size Water Meters from Mountain States Pipe & Supply for \$116,827; CB No. 15 CLUP Amendment to Public/Quasi Public Office; CB No. 18 CLUP Amendment to Traditional Mixed Neighborhood Development; CB No. 20 re Sheridan Blvd 113th to 118th Ave Construction Contract Appropriation; CB No. 21 re Transfer from General Fund to Capital Projects Fund. The motion carried unanimously.

COUNCILLORS BILL NO. 19 REZONING BRADBURN PROPERTY FROM OPEN DISTRICT TO PUD

Councillor Atchison moved, seconded by Councillor Merkel to pass Councillors Bill No. 19 on second reading, rezoning the Bradburn property from Open District (O-1) to PUD, located south of 120th Avenue, west of Lowell Boulevard. The motion carried unanimously.

METRO WASTEWATER RECLAMATION DISTRICT BOARD OF DIRECTORS REAPPOINTMENT

Mayor Pro-Tem Dixon moved, seconded by Councillor Merkel to reappoint Charles Ragsdale to the Metro Wastewater Reclamation District Board with term of office to expire June 30, 2002. The motion carried unanimously.

RESOLUTION NO. 27 RE PERSONNEL BOARD

Councillor Atchison moved, seconded by Councillor Merkel to adopt Resolution No. 27 accepting the resignation of Nick DiTorro from the Personnel Board with a new appointment to the Personnel Board to be made at the May 21 Council Meeting. Upon roll call vote, the motion carried unanimously.

TABLED PURCHASE OF STREET SWEEPER

Councillor Atchison moved, seconded by Councillor Kauffman to remove this item from the table. The motion carried unanimously.

Councillor Atchison moved, seconded by Councillor Kauffman to accept the second low bid for this vehicle and award the bid for the Street Sweeper to MacDonald Equipment, based on a finding that this action will best serve the public interest, (ref: City Charter Section 13.3 (k)) in the amount of \$124,909 for a 2001 Johnson Street Sweeper and charge the expense to the appropriate 2001 Public Works and Utilities Department, Street Operations Division budget account. The motion carried unanimously.

PUBLIC HEARING BRUCHEZ FARMHOUSE PROPERTY AT LEGACY RIDGE CLUP AMENDMENT

At 8:17 P.M. the public hearing was opened for the Bruchez Farmhouse Property at Legacy Ridge CLUP Amendment located at 3640 W 112th Ave. Dave Shinneman, Planning Manager entered a copy of the Agenda Memorandum, and other related items into the record. Kelly McElvain, General Property Manager, 3448 W 111th Drive, addressed Council and presented slides. There was no opposition. The public hearing was declared closed at 8:24 P.M.

COUNCILLORS BILL NO. 23 CLUP AMENDMENT FOR BRUCHEZ FARMHOUSE

Councillor Merkel moved, seconded by Councillor Atchison to pass Councillors Bill No. 23 on first reading approving the Comprehensive Land Use Plan amendment for the Bruchez farmhouse from “Single-Family Attached” to “Office.” Upon roll call vote, the motion carried unanimously.

Mayor Heil called for a five-minute recess at 8:26 P.M. and the meeting reconvened at 8:30 P.M.

COUNCILLOR’S BILL NO. 24 AMENDING 136TH AVENUE GENERAL IMPROVEMENT DISTRICT

Councillor Atchison moved, seconded by Councillor Hicks to pass Councillor’s Bill No. 24 on first reading amending the legal description of the 136th Avenue General Improvement District. Upon roll call vote, the motion carried unanimously.

HOME PROGRAM INTERGOVERNMENTAL AGREEMENT WITH ADAMS COUNTY

Councillor Hicks moved, seconded by Mayor Pro-Tem Dixon authorizing the Mayor to sign an Intergovernmental Agreement with Adams County allowing the City to join the Adams County HOME Participating Jurisdiction program. The motion carried unanimously.

COUNCILLORS BILL NO. 25 RE FINANCING FOR PUBLIC SAFETY BUILDING

Councillor Atchison moved, seconded by Councillor Merkel to pass Councillor’s Bill No. 25 as an emergency ordinance, approving the sale of \$18.695 million Certificates of Participation for the construction of the City’s Public Safety Building, the re-financing of the City’s Pavilion lease-purchase financing and the partial funding of the construction of the City’s parking garage at the Promenade, and direct the Mayor, Finance Director and City Clerk to sign necessary documents on behalf of the City. Upon roll call vote, the motion carried unanimously.

COUNCILLORS BILL NO. 26 RE STORM WATER UTILITY

Mayor Pro-Tem Dixon moved, seconded by Councillor Hicks to pass Councillor's Bill No. 26 creating a stormwater management program and the system of fee determination which will support storm drainage programs in the City. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 29 RE STORM WATER MANAGEMENT

Councillor Atchison moved, seconded by Mayor Pro-Tem Dixon to adopt Resolution No. 29 establishing \$1.50 as the monthly fee for single-family detached residential properties and the base rate for determining monthly fees for all other properties. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 28 RE NEIGHBORHOOD OUTREACH COORDINATOR POSITION

Councillor Kauffman moved, seconded by Councillor Merkel to adopt Resolution No. 28 authorizing the addition of a 0.8 full-time, benefited Neighborhood Outreach Coordinator position to the staffing levels approved as part of the 2001 Budget. Upon roll call vote, the motion carried unanimously.

COMMUNITY ORIENTED GOVERNANCE CONSOLIDATION

Councillor Kauffman moved, seconded by Councillor Merkel to direct Staff to proceed with the consolidation of Community Oriented Governance (COG) area teams to better address participation and neighborhood needs as outlined in this agenda memo. The motion carried unanimously.

RESOLUTION NO. 30 RE DETERMINATION OF MAYOR PRO-TEM DIXION'S TRAVEL EXPENSES

Councillor Atchison moved, seconded by Councillor Hicks to adopt Resolution No. 30 which concludes that Mayor Pro Tem Dixon is currently in default of her obligations to the City of Westminster and provides a 30 day period of time in which to correct the outstanding dollar amounts pertaining to her City travel over the past 12 months.

Vi June, 7500 Wilson, and Carl Walzak, 3725 W 78th Ave, addressed Council.

Upon roll call vote, the motion carried with Mayor Pro-Tem Dixon abstaining.

CITIZEN PRESENTATIONS

Carl Walzak, 3725 W 78th Ave, addressed Council on the conduct of Councillors on outside trips and the possible abuse of City funds.

Vi June, 7500 Wilson Ct, asked Council to reconsider the amount of trips that each Councilperson is allowed to take.

ADJOURNMENT:

The meeting was adjourned at 8:57 P.M.

ATTEST

City Clerk

Mayor



WESTMINSTER
COLORADO

Agenda Memorandum

Date: May 14, 2001
Subject: Proclamation for Small Business Day – May 15
Prepared by: Michele Kelley, City Clerk

Introduction

The Mayor on behalf of the entire City Council is requested to present a proclamation to Chris Chavez of the US Small Business Administration and recognize Anna Brooks of Brooks Electric.

Summary

The US Small Business Administration recently announced its 2001 Colorado Small Business Week Award winners. Anna Brooks of Brooks Electric, located in Westminster was awarded the Women in Business Advocate award. Ms. Brooks will be receiving her award at a luncheon on May 15th.

Policy Issues

There are no policy issues with this action.

Staff Recommendation

Present the proclamation to Chris Chavez of the US Small Business Administration and Anna Brooks of Brooks Electric and extend Westminster's hearty congratulations.

Background Information

Brooks Electric is a home occupation license for electrical contracting. This business has been in existence for five years at its current location.

Chris Chavez, of Small Business Administration Regional Communications Director of Public Affairs and Anna Brooks will both be present to accept this proclamation. Two copies of the proclamation will be presented.

Westminster is certainly pleased that Ms. Brooks has been awarded this recent recognition and Westminster wishes to add the City's congratulations.

Respectfully submitted,

William M. Christopher
City Manager

Attachment

WHEREAS, “Small Business: A History of Success, A Millennium of Opportunity” is the theme of this year’s National Small Business Week; and

WHEREAS, National Small Business Week also recognizes the critical impact that small business has on both the local and national economy; and

WHEREAS, The business of America begins with small business – millions of men and women, bold and imaginative self starters, seizing opportunities and providing the jobs that help to ensure that our country will remain economically strong and free; and

WHEREAS, Small Business is the driving force behind a vigorous and expanding economy; and

WHEREAS, During National Small Business Week, we salute Westminster’s entrepreneurs for being such an essential part of our community. Their courage, initiative and success have created better lives for us all.

NOW THEREFORE, I, Nancy Heil, Mayor of the City of Westminster, Colorado, on behalf of the entire City Council and Staff do hereby proclaim Wednesday, May 15, 2001 as

CELEBRATING SMALL BUSINESS DAY

in the City of Westminster in recognition of all small businesses operating within the City of Westminster, and recognition to Anna Brooks of Brooks Electric for her upcoming award as Women in Business Advocate.

Signed this 14th day of May, 2001.

Mayor



WESTMINSTER
COLORADO

Agenda Memorandum

Date: May 14, 2001

Subject: Recognition for the Youth Advisory Panel Outgoing Members

Prepared By: Dee Martin, Staff Liaison to the Youth Advisory Panel
Cindy McDonald, Staff Liaison to the Youth Advisory Panel

Introduction

City Council action is requested to recognize four outgoing 2000-2001 Youth Advisory Panel (YAP) members not continuing on the 2001-2002 Panel.

Summary

City Council is scheduled to recognize the four outgoing 2000-2001 Youth Advisory Panel (YAP) members who are not continuing on the new 2001-2002 Panel. The outgoing panelists have been a part of a very active 2000-2001 YAP, which has participated in monthly community service projects in addition to the scheduled formal meetings.

Policy Issue

There are no policy issues in regard to this item.

Staff Recommendation

City Council is requested to acknowledge the 2000-2001 YAP outgoing members by presenting each of them with a commemorative plaque.

Alternative

City Council may chose not to recognize the outgoing YAP members.

Background Information

On September 13, 1999, City Council adopted Resolution No. 68 creating the Westminster Youth Advisory Panel. On October 25, 1999, the City Council appointed 1999/2000 Youth Advisory Panel Members. Since October, the 1999-2000 Panel has worked with Staff on a variety of issues. The term of each Panel is one year, with reappointment possible up to four terms.

As such, we are reviewing applications for the incoming 2001-2002 Youth Advisory Panel, which will be appointed by council at a future meeting.

The 2000-2001 YAP has been a very active part of the Westminster Community. In addition to attending scheduled monthly formal meetings, the panel has taken part in regular community service projects. These diverse events have touched the community in many unique ways. They include helping at the Holy C.O.W. Stampede (a Parks, Recreation and Libraries race to raise proceeds for youth programs), a fall clean up of the historic Bowles House grounds, providing volunteer help for the Westminster Lighting Ceremony, delivering a special meal to the Gemini Youth Center, and a commitment to participate in the May 2001 Westminster Pride Day. By being an active part of the community, the 2000-2001 YAP has fulfilled a goal of reaching out to the Westminster community in order to make a difference in the place members attend school and live.

Respectfully submitted,

William M. Christopher
City Manager

Attachment

City of Westminster – Youth Advisory Panel

2000-2001 Youth Panel

Outgoing Panel Members Not Seeking Re-Appointment:

(A small token of appreciation will be presented to the outgoing Panel members of the Youth Advisory Panel)

Lindsey Leuenberger	Stanley Lake High School
Jessica Woods	Westminster High School
Andrew Wasny	Ranum High School
Sean Woytek	Ranum High School

2000-2001 Youth Panel:

Sophia Rutledge	Arvada High School
Jessika Strickland	Northglenn High School
Sarah Ingle	Ranum High School
Katie Jandera	Ranum High School
Lindsey Leuenberger	Standley Lake High School
Felisa Anne Reed	Standley Lake High School
Allen Hiserodt	Westminster High School
Jessica Woods	Westminster High School
Sarah Keel	At-Large Representative
Andrew Wazny	At-Large Representative
Sean Woytek	At-Large Representative



WESTMINSTER
COLORADO

Agenda Memorandum

Date: May 14, 2001

Subject: Presentation of National Recreation and Parks Association Excellence in Aquatics Award

Prepared by: Laura Magnetti, Management Assistant
Karen Layfield, Management Assistant

Introduction

City Council is requested to accept the Excellence in Aquatics Award from National Recreation and Parks Association (NRPA) Midwest Representative, Maria Stamats (pronounced "Stay-mates").

Summary

The NRPA Excellence in Aquatics Award was presented at the National Aquatic Conference. Winners are recognized for their superior aquatic services and facilities and are honored for demonstrating high standards of planning, design, operation, maintenance and aesthetics. Of five classifications, Westminster is the 2001 winner of Class III, population size 50,000 to 100,000.

Policy Issue

There are no policy issues associated with the acceptance of this award.

Recommendation

Staff recommends that Mayor accept the Excellence in Aquatic Award from Maria Stamats, NRPA Midwest Representative.

Background Information

Westminster's aquatic services are varied and numerous. More than 1,500 programs are offered annually meeting the needs of all ages, abilities, and interests. Each facility addresses distinct community needs. Affordable class fees and a scholarship program support City Council's goal to make swim lessons available to all. The City of Westminster received the NRPA Excellence in Aquatics Award in 1991, 1996, and 2001.

The Excellence in Aquatics Award was started in 1988. 67 communities around the country have received this award since its inception. Six cities out of the 67 recipients have received the award twice or more. Only one city nation-wide has won this award three times: Westminster, Colorado. We are honored to have this distinction, and it is a reflection of the support that the City Council and community give to our aquatics programs.

Respectfully submitted,

William M. Christopher
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

Date: May 14, 2001
Subject: Proclamation for Bill Christopher
Prepared by: Kathleen Hix, Organizational Support Services Manager

Introduction

The Mayor is being requested to read the attached proclamation designating May 14 – 18, 2001 as Bill Christopher Appreciation Week.

Summary

The Employee Recognition Action Team on behalf of all City employees would like the opportunity to recognize Bill Christopher for his leadership, his commitment, and support of employees by asking the Mayor to proclaim May 14 – May 18, 2001, as Bill Christopher Appreciation Week in Westminster. Several activities are planned to give City employees the opportunity to pay tribute to Bill during his final week as Westminster City Manager.

Policy Issue(s)

There are no policy issues with this action.

Staff Recommendation

Mayor present, with the assistance of the Employee Recognition Action Team, the proclamation to Bill Christopher, in recognition of his leadership abilities, support of employees, community service, and accomplishments over the past 33 years.

Background Information

William M. Christopher has served as the City Manager of Westminster for the past 23 years after having served as the Assistant City Manager for a period of 10 years.

Bill Christopher has won many professional awards and honors over the years including ICMA's Excellence in Honor of Mark E. Keane, and Program Excellence in Intergovernmental Cooperation Award, and the Clarence E. Ridley In-Service Training Award. Bill was also recognized by Colorado Business magazine as one of the state's top managers; and honored by the University of Colorado Chapter of the American Society for Public Administration when he was presented with the Leo C. Reithmayer Outstanding Public Administrator award. During 2000, Bill Christopher was awarded ICMA's Program Excellence for cities over 50,000 population.

Bill Christopher's list of accomplishments at the City of Westminster is long and diverse. The City has grown and prospered considerably under Bill's leadership and the City Organization has become a trendsetter among municipal governments during this time.

Proclamation for Bill Christopher

Page 2

Bill is unique among chief executives. Few individuals who have the level of responsibility and strong reputation as manager that Bill possesses also enjoy such widespread respect among their organization's workforce. Managers, supervisors, and rank and file employees see Bill as much as a coworker as the chief executive.

While it has become increasingly difficult as the organization has grown, Bill still manages to remain on a friendly, often lighthearted, first name basis with the majority of City employees. His strong focus on the value of employees has set a tone that gives the City organization its strong emphasis on employee support, growth, and development. The organization's emphasis on customer service has been given its impetus by the model provided by this chief executive.

In its desire to formally acknowledge the legacy that Bill Christopher leaves City employees, the Employee Recognition Action Team has requested this proclamation, and the designation of May 14 through May 18, Bill's last week as City Manager, as Bill Christopher Week.

Respectfully submitted,

Stephen P. Smithers
Assistant City Manager

Attachment

WHEREAS, Bill Christopher will be retiring from the City on May 22, 2001, after 23 years as City Manager and a combined total of 33 years as a City employee; and

WHEREAS, Bill Christopher's positive attitude over the years, work ethic, commitment, and dedication have gained him the respect and admiration of City employees, citizens of Westminster, business leaders and his colleagues in the city management profession; and

WHEREAS, Bill Christopher will be remembered for his commitment to making Westminster the City of Choice and his role in making the City a nationally recognized leader among cities; and

WHEREAS, Bill's strong focus on the value of employees has provided the basis for the City Organization's strong emphasis on employee support, growth, and development; and

WHEREAS, Bill Christopher is admired for his keen ability to greet most employees by name, his sense of humor and down-to-earth rapport with fellow employees; and

WHEREAS, the Employee Recognition Action Team has organized a number of events during the week of May 14 to give City employees the opportunity to pay tribute to Bill.

NOW, THEREFORE, I, Nancy Heil, Mayor of the City of Westminster, Colorado, on behalf of the entire City Council and Staff, do hereby proclaim May 14-May 18, 2001, as

BILL CHRISTOPHER APPRECIATION WEEK.

Signed this 14th day of May, 2001

Nancy M. Heil, Mayor



**WESTMINSTER
COLORADO**

Agenda Memorandum

Date: May 14, 2001
Subject: Presentation of Employee Service Awards
Prepared by: Michele Kelley, City Clerk

Introduction

The Mayor is requested to present service pins and certificates of appreciation to those employees who are celebrating their 10th, 15th, 20th, and 25th anniversary of employment with the City.

Summary

In keeping with the City's policy of recognition for employees who complete increments of five years of employment with the City, the presentation of City service pins and certificates of appreciation has been scheduled for Monday night's Council meeting. . In addition, the three employees celebrating 25 years of service will be presented with a check for \$2500.

Staff Recommendation

Mayor present service pins and certificates of appreciation to employees celebrating 10, 15, 20 years of service with the City, and providing special recognition to our 25 year employee with the presentation of a \$2,500 check.

Background Information

The following employees will receive a ten year service pin and certificate:

John Bazzanella	Fire Department	Fire Paramedic
Eric Burns	Fire Department	Fire Paramedic
Denise Cleere	General Services	deputy Court Clerk II
Fred Fawcett	Police Department	Senior Police Officer
Susan Grafton	Community Development	Economic Development Manager
Debra Harmon	Parks, Recreation & Libraries	Guest Relations Clerk II
Derik Minard	Fire Department	Fire Lieutenant
Katherine Skarbek	Parks, Recreation & Libraries	Library Associate I

The following employees will receive a fifteen year service pin and certificate:

Jeanne Bury	Parks, Rec & Libraries	Guest Relations Clerk II
Ronald Garcia	Public Works & Utilities	Senior Maintenanceworker
Gayle Geraci	Police Department	Senior Police Officer
Frank Grasmugg	General Services	Fleet Manager
Debbie Mitchell	General Services	Human Resources Manager
Joel Sherry	Fire Department	Fire Paramedic

The following 20 year employees will be presented with a certificate and service pin:

Robert Airhart	Public Works & Utilities	Plant Operator IV
Dave DeCarlo	Public Works & Utilities	Equipment Operator II
Anthony DiTirro	Fire Department	Firefighter II
Michele Hill	Community Development	Open Space Technician
Ronald McCuiston	Fire Department	Emergency Medical Services Officer
Paul Newton	Police Department	Senior Police Officer
Randall Peterson	Fire Department	Fire Paramedic
Richard Spahn	Fire Department	Fire Paramedic

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

The following 25 year employees will be presented with a certificate, service pin and check:

Lloyd Estes	Public Works & Utilities	Equipment Operator II
Tom Settle	Public Works & Utilities	Water Quality Coordinator
Brad Sundling	Fire Department	Fire Lieutenant

Lloyd Estes: Lloyd Estes graduated from Dexter High School in Dexter, Missouri. He and his family moved to Colorado from Dexter in 1969. In 1979, Lloyd began his industrious career with the City by being hired on as a Street Maintenance Worker. He subsequently moved up over the years to Equipment Operator II where he has remained an indispensable employee. In the absence of the Community Service Coordinator, Lloyd serves as the substitute administrator of that position, using the assigned community service workers to clean up parks or buildings and equipment for the City. Also, included in the Community Service Coordinator area, Lloyd fulfills the job of “graffiti buster.”

On the front lines, Lloyd has been a consistently diplomatic customer service representative of the City while working on pothole patching, crack sealing, the bi-annual cleanup, and snow removal. He has been an invaluable employee over the years with the accumulated areas of expertise.

Lloyd enjoys camping and fishing with his wife and three children.

Tom Settle: After years of traveling around the country as the son of an Army officer, Tom Settle began his tenure with the City as a Seasonal employee in the Water Plant in 1975, checking ditches, painting pipes and polishing floors. He became a full time plant operator the following summer and began working on the State Water Operator certification exams, achieving the 'A' level within two years. He was promoted to Lead Plant Operator in 1988 and served in that role for five years before being lured away from the Water Plant by the Water Resources Division, first in a temporary position and then looking after the quality of the drinking water supplies as the City's Water Quality Administrator. Tom was awarded his Master of Public Administration by the University of Colorado at Denver in May of 2000. In August of 2000, Tom decided he wanted to return to his "roots" and become the Water Treatment Superintendent. His ability to find new challenges with the City never seem to cease and it's beginning to look like the City will be his first and only real job.

Tom has always been active in the City's extra-curricular activities by serving on various committees. Over the years these have included the Employee Advisory and Safety committees, the Personnel Appraisal Task Force and the Public Works Quality Service/Customer Service Committee. He also has been active in the COG program since its inception as a team member or Team Leader on the Sheridan Green COG Team.

Tom's interests are far-ranging and include backpacking, hunting, fishing, working on cars and home projects and of course water sports. If there is anything you want to know about Lake Powell, Utah, go talk to Tom. He spends three to four weeks each year there, hanging out on the family's houseboat. This is where he and his wife Annette have vacationed with their kids, Brandi, Trey and Terri for the past 16 years.

Brad Sundling: is currently a Fire Lieutenant at Fire Station #6. This February marked Brad's 25th year of employment with the City of Westminster. Brad began his career at the very young age of 18, hired in 1976 as a Fire Cadet. Brad was the Fire Departments first EMT (Emergency Medical Technician) He was promoted to full time status the following year. Subsequent promotions brought Brad to the position of Fire Lieutenant in March of 1982.

Brad is the Team Leader for the City's Dive Rescue Team. He presently serves as Chairman of the Board for the Metro Dive Rescue Team, a Denver regional team. When Brad is not on duty he enjoys spending time with his family, jet skiing and recreational scuba diving. Brad also enjoys his part time job as home builder and has built several homes over the last few years.

On May 16, the City Manager will host an employee awards luncheon at which time 14 City employees will receive their five year service pins, while recognition will also be given to those who are celebrating their 10th, 15th, 20th and 25th anniversary. This is the second of four luncheons for 2001 to recognize and honor City employees for their service to the public.

The aggregate City service represented among this group of employees is 475 years of City service. The City can certainly be proud of the tenure of each of these individuals and of their continued dedication to City employment in serving Westminster citizens.

Respectfully submitted,

William M. Christopher
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

Date: May 14, 2001
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 20 through 26 as “Public Works Week” in the City of Westminster.

Summary

The National American Public Works Association and State Chapters dedicate 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:

- Poster displays and brochures will be available at City Hall, City Recreation Centers, City Libraries and the Westminster Mall.
- On Tuesday and Wednesday, May 22-23, a booth and the graffiti removal equipment will again be set up in the Westminster Mall near the food court and will be manned by Street Division and Utilities Division field personnel. The general public will have the opportunity to ask questions regarding the services that Public Works and Utilities do that affect our daily lives. In addition, brochures will be available, and residents will have the opportunity to register for free construction toys, street name signs, and a \$50 water bill credit.
- On Thursday, May 24, an e-mail invitation will be sent to all City employees and City Council Members to stop by the Municipal Service Center between 11:00 a.m. and 1:30 p.m. to view the display and to enjoy a free hot dog.
- There will be presentations made at some of the COG (Community Oriented Governance) meetings by Public Works and Utilities personnel, and stickers and coloring books will be given out.

Equipment Operator I Rob Dinnel will be in attendance to receive the Proclamation on behalf of the Department of Public Works and Utilities.

Policy Issue

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

Staff Recommendation

Proclaim the week of May 20 through 26 as Public Works Week in the City of Westminster.

Alternative

Do not recognize May 20 through 26 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 20 through 26, 2001.

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 2001 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 citizens' 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 skills of public works officials; and

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

NOW, THEREFORE, I, Nancy M. Heil, Mayor of the City of Westminster, on behalf of the entire Westminster City Council and Staff, do hereby proclaim the week of May 20 through 26, 2001, 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 public works and utilities services and to recognize the contributions that public works and utilities officials make every day to the health, safety, and comfort of all citizens.

Signed this 14th day of May, 2001

Nancy M. Heil, Mayor



WESTMINSTER
COLORADO

Agenda Memorandum

Date: May 14, 2001

Subject: Design of the Quail Creek and Bull Canal Relocation Project

Prepared by: Dan Blankenship, Senior Projects Coordinator

Introduction

City Council action is requested to authorize the City Manager to execute a professional services agreement with the engineering consulting firm, Felsburg, Holt and Ullevig (FHU) in the amount of \$47,382 for the preparation of plans and construction contract documents for the relocation of Quail Creek and the Bull Canal and the construction of the roadway and utilities to serve the proposed Satellite Municipal Service Center (MSC). Funds for the proposed Quail Creek and Bull Canal services have been allocated in the 2001 General Capital Improvement Fund in the 136th Avenue/I-25 Interchange line item and funds for the street and utilities services have been allocated in the 2001 Utility Capital Improvement Fund in the Satellite Maintenance Facility project account.

Summary

Quail Creek currently crosses Huron Street at 134th Avenue and flows in a easterly direction towards Big Dry Creek crossing under I-25 at the proposed location for the 136th Avenue interchange (see attached map). The Bull Canal, an irrigation canal owned by Farmers Reservoir and Irrigation Company, crosses Huron Street just north of the Big Dry Creek Wastewater Treatment Facility and traverses the City owned property in a northeasterly direction to the west side of I-25 then turns back in a northwesterly direction, traversing the private property located immediately south of 136th Avenue.

As part of the update to the Broomfield and Vicinity Outfall Systems Plan, a storm drainage master plan prepared jointly by the Cities of Westminster and Broomfield and the Urban Drainage and Flood Control District, Quail Creek east of Huron is shown to be realigned to discharge into Big Dry Creek west of I-25. The realignment of the Bull Canal is proposed to begin just east of Huron and continue to the north side of 136th Avenue and is necessary at this time so that the crossing structures where the Bull crosses Quail Creek and 136th Avenue can be constructed in their ultimate locations.

During the planning for the 136th Avenue interchange project, it was decided to complete the creek relocation with the interchange project. However, during the environmental assessment process and preliminary design of the interchange, it became evident that it would be in the best interest of the project to separate the creek relocation and complete it prior to the start of construction for the interchange. Also the creek realignment will also allow the proposed MSC project to proceed.

FHU is the design engineer for the 136th interchange project and has nearly completed the preliminary design for the interchange, which includes the preliminary design of the creek and canal realignments. The proposed services are to separate the creek and canal realignments project into a separate bid package and to add the roadway and utility design for the offsite improvements needed to serve the proposed MSC. Once completed, the construction package will include the creek and canal realignments, the street and offsite utilities to serve the MSC and mass grading of the MSC site. The proposed fee for design is approximately 2% of the project cost, which is considerably lower than normal due to a significant portion of the design being performed under the interchange design contract.

Policy Issues

The proposed agreement would be a sole source contract. FHU is currently under contract with the City of Thornton for the design of the 136th Avenue interchange project. Westminster is a partner in the project in accordance with the terms of an intergovernmental agreement between the two Cities. Although there are some benefits to the interchange project, the proposed services primarily benefit Westminster and all of the work will occur within Westminster, therefore it was decided that it would be most appropriate for Westminster to administer this project. FHU's contract with Thornton includes the preliminary design of the realignments, which would make them the most time and cost effective selection to perform the proposed services.

Staff Recommendation

Authorize the City Manager to execute a professional services agreement with Felsburg Holt and Ullevig for the preparation of the necessary construction documents to construct the realignment of Quail Creek and the Bull Canal, to construct the offsite improvements for the MSC and for the grading the MSC site.

Alternatives

Do not separate the proposed realignments from the interchange project. This would most likely result in the realignments not occurring in their ultimate locations due to CDOT environmental requirements and may also result in the delay of the interchange and MSC projects.

Background Information

Quail Creek currently crosses Huron Street at 134th Avenue and flows in an easterly direction towards Big Dry Creek crossing I-25 at the proposed location for the 136th Avenue interchange. Because of the lack of a formal channel, the land that the creek crosses is covered by a significantly sized floodplain that impedes the development of the land. The lack of a formal channel also causes storm water to back up into the channel and park area that is north of 134th Avenue, west of Huron. The storm water back up has caused the grass in the park to die and the standing water has contributed to mosquito problems, which have been significant concerns of the surrounding neighborhoods. As part of the update to the Broomfield and Vicinity Outfall Systems Plan, a storm drainage master plan prepared jointly by the Cities of Westminster and Broomfield and the Urban Drainage and Flood Control District, Quail Creek east of Huron is shown to be realigned to discharge into Big Dry Creek west of I-25 in order to mitigate the floodplain.

The Bull Canal, an irrigation canal owned by Farmers Reservoir and Irrigation Company, crosses Huron Street just north of the Big Dry Creek Wastewater Treatment Facility and traverses the City owned property in a northeasterly direction to the west side of I-25 then turns back in a northwesterly direction, traversing the private property located immediately south of 136th Avenue. As part of the planning study for the I-25 Corridor, the Bull Canal is shown to be relocated to provide for the highest and best use of the land.

During the planning for the 136th Avenue interchange project, it was decided to complete the creek relocation with the interchange project. Because the realignments were being proposed as part of the interchange project they became subject to CDOT environmental review and requirements, which was not anticipated to be an issue. However, during the environmental assessment process the State Historic Preservation Office determined that the Bull Canal has historic significance. This creates a myriad of issues that could result in significant delays to the interchange project and would most likely result in the minimal disturbance to the canal, which is not consistent with the canal location shown on the land use plan.

If the canal relocation were to proceed with the interchange project, the realignment effort would be a wasted effort, as it would have to be totally redone in the future to accommodate the implementation of the land use plan.

The realignment of Quail Creek and the Bull Canal also impact the progress of the proposed MSC, which is to be located north of the Big Dry Creek Wastewater Treatment Facility. Currently the Bull Canal is located along the southern edge of the proposed MSC site. However, once the realignments are complete, the Bull Canal will be west of the proposed MSC site and Quail Creek will be on the south side of the MSC site. Access and utilities to the MSC site will be from Huron along the future extension of 132nd Avenue. The access roadway and the utilities for the MSC will cross the realigned Quail Creek. As a part of the coordination effort between the two projects, it was determined that it would be in the best interest of both projects to construct the roadway and utilities for the MSC site with the realignments. Additionally, since the interchange project is in need of imported fill material and the MSC project requires excavation to create a somewhat level surface for the site development, it makes sense to combine the effort. The excess excavation from the MSC site will be used as fill material for the 136th Avenue interchange ramps.

FHU is the design engineer for the 136th interchange project and has nearly completed the preliminary design for the interchange, which includes the preliminary design of the creek and canal realignments. The proposed services are to separate the creek and canal realignments into a separate bid package and to add the roadway and utility design for the offsite improvements needed to serve the proposed MSC. Once completed, the construction package will include the creek and canal realignments, the street and offsite utilities to serve the MSC and mass grading of the MSC site.

Respectfully submitted,

William M. Christopher
City Manager

Attachments



WESTMINSTER
COLORADO

Agenda Memorandum

Date: May 14, 2001
Subject: Purchase of Commercial Size Water Meters
Prepared by: Richard A. Clark, Utilities Operations Manager

Introduction

City Council action is requested to purchase commercial size water meters in the amount of \$116,827. These meters will be used to complete the meter retrofit in commercial routes 200, 202 and 460. Routes 200 and 202 are spread throughout the City; route 460 is all accounts for parks, parkway irrigation and other City-owned facilities. Funds have been specifically allocated in the 2001 Utilities Capital Improvement Fund, Public Works and Utilities Department, for this expense.

Summary

The City's overall program of fitting all water meters with Badger TRACE radio transponders is almost completed. All meters, with the exception of approximately 125 commercial meters have been retrofitted. Since the Badger TRACE system is a proprietary item, the meters required to complete the program are available only from Badger and their local distributor, Mountain States Pipe & Supply. City Staff negotiated formal pricing for the meters. The meters identified below, along with the current inventory, will complete all but twenty meters in the system. This purchase will exhaust this year's funding.

Policy Issues

Should the City proceed with replacement of the commercial water meters with Badger TRACE meters?

Staff Recommendation

Award the negotiated bid for the 81 water meters to Mountain States Pipe & Supply, in the amount of \$116,827 for 81 water meters and charge the expense to the 2001 Utilities Capital Improvement Fund, Public Works and Utilities Department budget account.

Alternative(s)

The Badger TRACE system is a proprietary system of software and hardware that the City began using in 1996. There are no other vendors available for compatible equipment. One alternative would be seeking purchase of a competing system from other manufacturers. This option would require support of two different hardware/software systems and is not recommended. The only other alternative would be to continue to read the existing meters manually and enter the readings by hand. This alternative is not recommended due to the dangerous conditions opening and entering the confined space of a meter vault. The intent of the retrofit program was to eliminate these hazards and increase worker safety and to take advantage of new computer technology.

Background Information

In 1996, the City of Westminster undertook a program of retrofitting all water meters in the City with radio frequency transponders, which enables them to be read remotely. Badger Meter's TRACE system was selected and Badger meters have been set as the City's standard meter. Initially, new accounts and residential meters were retrofitted to reduce the overall count. The program then switched to focus on the larger commercial meters. Funds have been provided in the Capital Improvements Fund to purchase the meters.

The following group of meters has been selected for replacement. This selection completes routes 200 and 202, along with the majority of route 460, the City-owned property route. The remaining meters will be replaced in 2002 when 2002 budget year funds are available.

Purchase

<u>Amount</u>	<u>Description</u>	<u>Unit Price</u>	<u>Total Price</u>
28	1-1/2" Model 120	\$756.00	\$21,168.00
12	2" Model 160	\$1,179.00	\$14,148.00
4	2" Model 170	\$1,018.00	\$4,072.00
29	2" Model 200	\$1,684.00	\$48,836.00
7	3" Compound	\$3,397.00	\$23,779.00
1	4" Compound	\$4,824.00	\$4,824.00
			\$116,827.00

The meters to be furnished by Mountain States Pipe & Supply meet all specifications and requirements set by the City. The cost of the meters at \$116,827 is within the amount budgeted for this expense. The meters are priced the same as those purchased in 2000.

Respectfully submitted,

William M. Christopher
City Manager



WESTMINSTER COLORADO

Agenda Memorandum

Date: May 14, 2001

Subject: Metro Wastewater Reclamation District Board of Directors Appointment

Prepared by: Ron Hellbusch, Director of Public Works and Utilities

Introduction

City Council action is requested to reappoint Charles Ragsdale to the Metro Wastewater Reclamation District (Metro District) Board of Directors to represent the City of Westminster effective July 1, 2001. With this appointment, Mr. Ragsdale's term will expire on June 30, 2003. Curt Alstadt is currently the City's other representative. Mr. Alstadt's term of office will expire June 30, 2002.

Summary

The Metro District Bylaws and State Statute require that in order to become a member of the Board of Directors, one must live within the member municipality and within the Metro District service area, which lies south of 97th Avenue. At this time, there is not a geographically qualified City Staff member to fill the vacancy based on these bylaws. Therefore, the recommendation of Staff is to fill the vacancy with Charles Ragsdale a City resident and business owner who has represented the City well.

Policy Issue

Does City Council wish to reappoint Mr. Ragsdale as the City's second director to the Metro Wastewater Reclamation District Board of Directors or would City Council prefer to open up the recruitment to fill this seat?

Staff Recommendation

Reappoint Charles Ragsdale to the Metro Wastewater Reclamation District's Board of Directors with the term of office to be effective through June 30, 2003.

Alternative

As an alternative, Staff could solicit additional names of interested citizens who may wish to represent the City on the Metro Wastewater Reclamation Board of Directors. At the time of Allen Jones' resignation, staff contacted several City Staff members who live in the Metro District and are City residents, drafted a Press Release to the local media, wrote a narrative for the Weekly Highlights document, and solicited applicants in City Link. These efforts resulted in the City receiving one application from Mr. Ragsdale for the Board of Director vacancy. Mr. Ragsdale was appointed to the board on December 18, 2000, and has represented the City well.

Background Information

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

Mr. Ragsdale was appointed to the Board of Directors on December 18, 2000, following the retirement and resignation of Allen Jones. Mr. Jones resigned from the Metro District Board of Directors due to health reasons. Mr. Ragsdale is a self-employed business owner specializing in accounting and tax preparation. Also, Mr. Ragsdale is a Certified Public Accountant and a graduate of the University of Wyoming with a Bachelor's Degree in Accounting. Charles Ragsdale and his wife Ann are both long-time residents of Westminster.

The Metro Wastewater Reclamation District Board of Directors meets at 7:00 p.m. on the third Tuesday of each month. In addition, all Board Members serve on one operation committee, which meets monthly either in the morning or at noon.

Respectfully submitted,

William M. Christopher
City Manager

APPOINTMENT

I Nancy M. Heil, Mayor of the City of Westminster, Colorado, by virtue of the authority vested in me by law, do hereby certify that **CHARLES RAGSDALE** was appointed by the Westminster City Council as the City of Westminster representative on the Board of Directors of the Metro Wastewater Reclamation District, to serve a two year term of office to begin, July 1, 2001 and ending June 30, 2003, in accordance with the laws of the State of Colorado and the By-laws of the Metro Wastewater Reclamation District.

Approved by the Westminster City Council this 14th day of May, 2001.

Nancy M. Heil, Mayor

CITY COUNCIL APPROVAL OF APPOINTMENT

It was moved by Mayor Pro Tem Sam Dixon and seconded by Councillor Ann Merkel, that the City of Westminster appoint **CHARLES RAGSDALE** to serve a term of two years expiring June 30, 2003, as the City of Westminster representative on the Board of Directors of the Metro Wastewater Reclamation District.

The motion carried unanimously.

STATE OF COLORADO }
COUNTY OF ADAMS }§

CERTIFICATE

I, Michele Kelley, City Clerk of the City of Westminster, do hereby certify that the Westminster City Council appointed **CHARLES RAGSDALE** as said City's representative on the Board of Directors of the Metro Wastewater Reclamation District and that the foregoing "Appointment" is an excerpt from the minutes of the regular meeting of the Westminster City Council held on the 14th day of May, 2001, and that said motion of approval is part of the official minutes of said meeting; and that a quorum was present at all times during the meeting.

Dated this 15th day of May, 2001.

City Clerk

(SEAL)

APPOINTMENT

I Nancy M. Heil, Mayor of the City of Westminster, by virtue of the authority vested in me by law, do hereby reappoint **CHARLES RAGSDALE** as the City of Westminster representative on the Board of Directors of the Metro Wastewater Reclamation District, to serve a term of two years, beginning July 1, 2001, and ending June 30, 2003, in accordance with the laws of the State of Colorado and the By-laws of the Metro Wastewater Reclamation District.

Approved by the Westminster City Council this 14th day of May, 2001.

Mayor



WESTMINSTER
COLORADO

Agenda Memorandum

Date: May 14, 2001
Subject: Resolution No. 27 re Resignation and Appointment to Personnel Board
Prepared by: Michele Kelley, City Clerk

Introduction

City Council action is requested to accept the resignation of Nick DiTirro and appoint a new member of the Personnel Board.

Summary

Recently, the City Clerk's office received a letter from Nick DiTirro resigning from the Personnel Board. (See attached letter.)

Nick was appointed to the Personnel Board on June 23, 1980 and has served continuously since that time. Nick was currently serving as an alternate member of the Board.

Currently there are 11 individuals within the "pool". A copy of the matrix indicating each individual's preference for Boards and Commissions is attached.

Staff Recommendation

Adopt Resolution No. 27 accepting the resignation of Nick DiTirro and appointing a new alternate member to the Personnel Board with the term of office to expire December 31, 2001.

Background Information

A Resolution has been prepared for Council with the name of the person to be appointed left blank.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

RESOLUTION

RESOLUTION NO. 27

INTRODUCED BY COUNCILLORS

SERIES OF 2001

CITY OF WESTMINSTER PERSONNEL BOARD RESIGNATION

WHEREAS, The City of Westminster has received the resignation request of Nick DiTirro, who is currently serving on the Personnel Board; and

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

NOW THEREFORE, be it resolved that the City Council of the City of Westminster does hereby accept the resignation of Nick DiTirro from the Personnel Board.

Passed and adopted this 14th day of May, 2001 as amended.

ATTEST:

Mayor

City Clerk

2001 BOARD AND COMMISSION POOL

Applicants to be interviewed

County	Name	Bldg											
		Codes	BOA	Elect	Environmental	HS	Library	Open Space	P&R	Personnel	Planning	SP&LB	Trans
Jefferson	Vera Alexander							1					
Adams	John Brann									1			
Adams	Robert Hartley							2		3	1		
Adams	Skeet Hartman`							X		X	X		
Adams	David Jones					3		2		1			
Jefferson	Tom Kuesel Jr	1									2	3	
Jefferson	Nancy McNally							1	3				2
Adams	Paul Nilles							1					
Adams	Bill Nooning										1		
Jefferson	Scott Raypholtz							3	2		1		
Adams	Bruce Vezina							3			1		2

X indicates an interest in a Board with no priority ranking



WESTMINSTER
COLORADO

Agenda Memorandum

Date: May 14, 2001
Subject: TABLED Purchase of a Street Sweeper
Prepared by: Carl F. Pickett, Purchasing Specialist

Introduction

City Council action is requested to award the bid for a replacement Street Sweeper in the amount of \$124,909. This piece of equipment is used primarily by the Street Operations Division. Funds have been specifically allocated in the 2001 General Fund, Public Works and Utilities Department budget, Street Operations Division, for this expense.

Summary

In February 2001, the City’s Purchasing Specialist, Carl Pickett, requested formal bids for a Street Sweeper. This expense was previously approved by City Council in the 2001 budget. The second low bid of \$124,909, submitted to the City by MacDonald Equipment is being recommended for this purchase.

Policy Issues

Should the City proceed with the purchase of a replacement street sweeper? Should City Council approve the purchase from the second low bidder based on Staff’s recommendation that this piece of equipment is a better fit to meet the City’s service needs?

Staff Recommendation

Remove this item from the table.

Accept the second low bid for this vehicle and award the bid for the Street Sweeper to MacDonald Equipment, based on a finding that this action will best serve the public interest, (ref: City Charter Section 13.3 (k)) in the amount of \$124,909 for a 2001 Johnson Street Sweeper and charge the expense to the appropriate 2001 Public Works and Utilities Department, Street Operations Division budget account.

Alternatives

The present condition and maintenance history of this vehicle would make it impractical to continue to operate it in regular service based on Fleet Maintenance replacement recommendations.

Background Information

As part of the 2001 budget, City Council approved the purchase of a replacement Street Sweeper. Unit #6108/6109 has reached a point that it is no longer economically reasonable to maintain it in service. Information regarding this vehicle replacement and trade-in is as follows:

UNIT #	YEAR	MAKE	MODEL	HOURS	VEHICLE MAINTENANCE COSTS LIFE TO DATE (LTD)	TRADE IN ALLOWANCE
6108	1992	Ford	Cargo 7000	2,752	\$17,677.39	\$6,000.00
6109	1992	Sunvac	111	2,322	\$35,344.30	\$0.00

Bids were received from four vendors. The bids are as follows:

<u>Vendor</u>	<u>Bid</u>	<u>Brand</u>	<u>Trade in</u>
Intermountain Sweeping Co.	\$119,650	Tymco	\$10,000
MacDonald Equipment	\$130,909	Johnson	\$6,000
Ferris Machinery	\$132,375	Elgin	\$5,000
Kois Brothers Equipment	\$140,900	Vacall	\$1,000

On April 9, 2001 Council tabled this purchase and requested Staff to reevaluate the Vacall unit in regards to its performance vs. the higher bid price. Street Staff determined that while the Vacall does have higher performance levels than the Johnson unit, the additional cost of \$15,000 between the two units can not be justified, the Johnson unit will do everything required of it by City Staff and the Johnson unit is similar to previous equipment capabilities that have performed well.

Street Division Staff is recommending the purchase of the replacement sweeper be awarded to MacDonald Equipment for the following reasons as originally requested:

1. The Wandering Hose on the Johnson Sweeper is mounted on the top of the sweeper, not on the back door, giving a full rotation around the machine and eliminating the operator fatigue associated with this operation. Also, this increases operator safety because the operator can work from the side of the sweeper and would not be restricted to working from the back of the sweeper; keeping the operator out of harms way of traffic.
2. The Johnson Sweeper equipment has a stainless steel hopper and water tank, which reduces maintenance costs and increases the life of the sweeper. The low bid unit, Tymco, does not.
3. The specification calls for an 8-yard hopper minimum, which the Johnson Sweeper does meet. Intermountain Sweeping (Tymco) has a 7.5-yard hopper.
4. The Johnson Sweeper has an enclosed self-contained engine compartment, which protects the components and dramatically reduces the noise emissions. The Tymco unit is not enclosed.
5. Earlier this year, the Street Division had a demonstration on all four sweepers. The Vacall out performed all of the sweepers; however, the \$15,000 higher cost does not justify purchasing this unit. The Johnson had a better performance in cleaning catch basins than the Tymco and also out-performed the Tymco in the sweeping area. Also, the Tymco was extremely noisy and deafening to the point where employees had to use earplugs in order to operate it. This could be a concern as these units are used to a large degree in residential neighborhoods.

Street Division Staff feels that it would be in the best interest of the City to purchase the Johnson Sweeper over the low-bidder, Tymco, for the above reasons.

The second low bid from MacDonald Equipment meets all specifications and requirements set by the City. The cost of the Street Sweeper, \$130,909 less the trade in of \$6,000 for a purchase price of \$124,909, is within the amount (\$140,000) previously approved by City Council for this expense.

Respectfully submitted,

William M. Christopher
City Manager



Agenda Item 10 B & C

WESTMINSTER COLORADO

Agenda Memorandum

Date: May 14, 2001

Subject: Bruchez Farmhouse Property at Legacy Ridge CLUP Amendment

Prepared by: Max Ruppeck, Senior Project Manager

Introduction

City Council is requested to hold a public hearing and take action on a proposed amendment of the Comprehensive Land Use Plan (CLUP) for the Bruchez Farmhouse property at Legacy Ridge (see attached map).

Summary

The Bruchez Group is requesting a Comprehensive Land Use Plan amendment for the property located at 3640 W. 112th Avenue to re-designate the land use from “Single-Family Attached” to “Office”. This property contains the Spanish style stucco building that was the residence of Art Bruchez and more recently the office for the Bruchez’s Legacy Ridge developments.

Applicant/Property Owner

Kelly McElvain, General Property Manager
Bruchez Group

Location

Approximately 300 feet west of Legacy Ridge Parkway at 3640 West 112th Avenue.

Size of Site

Approximately 1.2 acres.

Description of Proposed Use

The owner desires to continue office use in the existing farmhouse and add an additional office building in the future.

Major Issues

The City’s Comprehensive Land Use Plan generally supports the reduction of higher density housing and the development of employment opportunities. The proposed Comprehensive Land Use Plan amendment subtracts a potential of 12 single-family attached units and adds up to 8,000 square feet of office space. The proposed land use change also preserves the historic Bruchez farmhouse building and mature cottonwood trees that would be lost if the property developed residentially.

Policy Issues

Should the City support conversion of residential land to office/employment at Legacy Ridge?

Planning Commission Recommendation

At their regular meeting of April 24, 2001, the Planning Commission held a public hearing on this proposed Comprehensive Land Use Plan amendment and unanimously recommended its approval to City Council.

Staff Recommendation

1. Hold a public hearing.
2. Pass Councillor's Bill No. 23 approving the Comprehensive Land Use Plan amendment for the Bruchez farmhouse from "Single-Family Attached" to "Office" based on the following:
 - The proposed amendment is justified and the Comprehensive Land Use Plan is in need of revision as proposed;
 - The proposed amendment is in conformance with the overall purposes and intent and the goals and policies of the Comprehensive Land Use Plan;
 - The proposed amendment is compatible with existing and planned surrounding land uses;
 - The proposed amendment would not result in excessive detrimental impacts to the City's existing or planned infrastructure systems; and
 - The proposed amendment is in compliance with Section 11-4-16 of the Westminster Municipal Code.

Alternative

Denial of the proposed amendment and retain the Single-Family Attached land use designation. Staff does not recommend this alternative because the proposed CLUP amendment would result in better land uses than are currently set forth.

Background Information

In August 2000, City Council held a public hearing and approved the Comprehensive Land Use Plan re-designation of Bruchez Farmhouse property from Retail/Commercial to Single-Family Attached. The reason this prior amendment was requested was that Bruchez Farms had been trying to market the farmhouse as a retail site or restaurant, but were unsuccessful in this effort. This property, along with an adjacent 2.8 acre multi-family site was then requested for re-designation to Single-Family Attached Residential. Staff is currently reviewing a 45-unit duplex/triplex residential development on property adjacent to the subject parcel. The subject parcel was originally going to be part of this residential development, but that would have resulted in the loss of the historic farmhouse and the large cottonwood trees on the site. The farmhouse building has been used for the Bruchez Farms development offices for several years and the family now wishes to continue office use along with the construction of a second, architecturally compatible office building on the site.

Comprehensive Land Use Plan Evaluation

- A. "Demonstrate that there is justification for the proposed change and that the plan is in need of revision as proposed."

The proposed change will provide convenient services to the neighborhood and the community as a whole and will be accessible by multiple transportation means such as automobile, bus, bicycle and pedestrians.

Comprehensive Land Use Plan Goal B2 states "Preserve existing neighborhoods and develop new neighborhoods that are safe and attractive and serviced by public facilities and convenient commercial uses.

- B. "Be in conformance with the overall purpose and intent of the goals and policies of the plan."

The proposed office development not only preserves an historic and very visible part of the City, but also reduces the number of attached housing units.

Goal C3 states that “New multiple family development should be limited, in order to maintain the City’s housing balance.”

C. “Be compatible with existing and planned surrounding land use.”

The proposed office land use designation will preserve a low-intensity one-story building and allow for the construction of another one or two story office building. This will not only reduce the intensity of development of the site, but will also allow for the preservation of large mature trees on the site. Policy 12b states “Continue to develop landscape improvements along arterial streets.” Staff interprets this to include the preservation of existing mature vegetation visible from 112th Avenue.

D. “The proposed amendment will not result in excessive detrimental impacts to the City’s existing or planned infrastructure system.”

The proposed low intensity office use will have a lower demand on the street and utility systems than the existing attached residential land use designation.

Service Commitment Category

Service Commitments are not necessary at this time but when the new office development occurs, Service Commitments will be taken from Category C.

Referral Agency Responses

No comments received.

Public Comments

A neighborhood meeting was held on April 18, 2001 to discuss the Comprehensive Land Use Plan amendment, and the proposed Official Development Plans for this site and the adjacent single-family attached site. No citizens attended the meeting.

Surrounding Land Use and Comprehensive Land Use Plan Designation

The property to the west is being developed for apartments and is shown as “Multi-Family” residential on the Comprehensive Land Use Plan. To the north, across W. 112th Avenue are the Front Range Community College and the Stratford Lakes Single-Family Detached subdivision. These are shown as “Public/Quasi Public” and “Single-Family Detached – Medium Density,” respectively. The property to the east is currently undeveloped and is designated “Single-Family Attached” on the Comprehensive Land Use Plan. Public open space, golf course and single-family development lie to the south.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

BY AUTHORITY

ORDINANCE **2873**

COUNCILLOR'S BILL NO. **23**

SERIES OF 2001

INTRODUCED BY COUNCILLORS

Merkel - Atchison

A BILL

FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN

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

WHEREAS, the City has received an application requesting a land use change for the Bruchez Homestead property shown in "Exhibit A" and specifically described as follows:

A parcel of land being a portion of tract 00 of the Westminster Golf Course Community P.U.D. as recorded in the Adams County Clerk and Recorder's office at File Number 17, Map Number 97, Reception Number B1098364, also being a portion of the northeast quarter of Section 7, Township 2 South, Range 68 West of the 6th Principal Meridian, City of Westminster, County of Adams, State of Colorado, being more particularly described as follows:

Bearings are based on the north line of the northeast quarter of Section 7, N89°42'44"E according to the Westminster Golf Course Community P.U.D.;

Commencing at the northeast corner of the northeast quarter of Section 7; thence S00°21'55"E along the east line of said northeast quarter a distance of 50.00 feet to the southerly right-of-way line of West 112th Avenue, also being the northerly boundary of said tract 00 and the point of beginning;

Thence S00°21'55"E along the easterly line of lands described in Book 3773 at Page 22, filed in the Adams County Clerk and Recorder's office, a distance of 215.27 feet; thence S89°38'05"W a distance of 240.29 feet; thence N00°17'16"W a distance of 215.60 feet to said southerly right-of-way line of West 112th Avenue, also being the northerly boundary of said tract 00; thence N89°42'44"E a distance of 240.00 feet to the point of beginning.

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

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

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council authorizes City Staff to make the necessary changes to the maps and text of the Westminster Comprehensive Land Use Plan for the Bruchez property, shown in "Exhibit A" attached hereto. The Bruchez property shall be designated "Office".

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 14th day of May, 2001.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 21st day of May, 2001.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

Date: May 14, 2001

Subject: Councillor's Bill No. 24 Amending 136th Avenue General Improvement District

Prepared by: Michele Kelley, City Clerk

Introduction

City Council action is requested to pass the attached Councillor's Bill on first reading amending the City of Westminster 136th Avenue General Improvement District.

Summary

In August, 2000, City Council adopted an ordinance creating the 136th Avenue General Improvement District. Since that time, it has been determined that there were several errors within the legal description for this property.

The changes are considered "housekeeping" in nature; the amended legal description will not change the boundaries of the 136th Avenue General Improvement District nor the financing of the interchange.

The required petition to correct the legal description of the General Improvement District has been properly filed with the City Clerk by the petitioners (copy attached). The next procedural step requires the City Council to adopt an ordinance amending the legal description of the District.

Policy Issue

Should City Council amend the legal description of the 136th Avenue General Improvement District.

Staff Recommendation

Pass Councillor's Bill No. 24 on first reading amending the legal description of the 136th Avenue General Improvement District.

Alternatives

1. Direct Staff to cease work on the I-25 initiative. This is not recommended, as the additional long-term prospects for the City with regard to sales tax, property tax and other revenues are very favorable.
2. Delay work on the I-25 initiative. This is not recommended due to the inflation of construction costs, now and anticipated in the next five years. Staff has determined average costs of construction should inflate at an average rate of 10% per year for the next five years, making the delay of construction work very much against the City's long-term financial interests. Because the City earns 6% on its portfolio, the net negative effect on the City's financial interests would be a minimum of 4% per year.

Background

Over the past several years Council and Staff have discussed the completion of a new Interchange on I-25. One of the major questions has been the funding of the project. In the discussions that occurred, it became evident it would be beneficial for landowners and the City to collaborate on this venture. The establishment of this General Improvement District allows this partnership to occur.

Bond Counsel has prepared the attached Councillor's Bill to amend the legal description of this property.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

By Authority

Ordinance No. _____

Councillor's Bill No. 24

Series of 2001

Introduced by Councillors

A BILL

FOR AN ORDINANCE AMENDING ORDINANCE NO. 2803, SERIES OF 2000, WHICH CREATED THE CITY OF WESTMINSTER 136th AVENUE GENERAL IMPROVEMENT DISTRICT.

WHEREAS, a Petition for the Organization of the City of Westminster 136th Avenue General Improvement District was filed in the office of the City Clerk of the City of Westminster, Colorado (the "City"), on July 31, 2000 (the "Original Petition"); and

WHEREAS, the City of Westminster 136th Avenue General Improvement District (the "District"), was organized and created by action of the City Council (the "Council") of the City pursuant to Ordinance No. 2803, Series of 2000, adopted on August 14, 2000 (the "Creation Ordinance"), and pursuant to Part 6, Article 25, Title 31, Colorado Revised Statutes.

WHEREAS, on April 9, 2001 there was filed with the City Clerk an Amended Petition for the Organization of the District, which has been reviewed by the City Clerk (the "Amended Petition"); and

WHEREAS, the Amended Petition states that it has been signed by one hundred percent of the owners of taxable real property included within the District; and

WHEREAS, the Amended Petition requests that the Council amend the Original Petition and the Creation Ordinance so as to replace the incorrect legal description contained therein.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Short Title. This Ordinance shall be known and may be cited by the short title "City of Westminster 136th Avenue General Improvement District Amended Creation Ordinance."

Section 2. Findings and Determinations. The Council hereby accepts the Amended Petition which requests the correction of the legal description of the District's boundaries contained in the Original Petition and in Section 4 of the Creation Ordinance. The Council hereby finds and determines as follows:

- a. that Section 31-25-604(3) authorizes the Council, at any time, to permit the District's organizational petition to be amended to conform to facts by correcting any errors in the description of the territory included in the District;
- b. that the Amended Petition is signed by one hundred percent of the owners of taxable real property included within the District;
- c. that the signatures on the Petition are genuine; and
- d. that the legal description contained in Section 4 of the Creation Ordinance is incorrect and it is necessary to amend the legal description of the District's boundaries so that it is acceptable for recording purposes with the Adams County Clerk and Recorder.

These findings and determinations of the Council are final and conclusive on all parties in interest, whether appearing or not.

Section 3. Amendment of Section 4 of the Creation Ordinance. It appearing that the Amended Petition has been duly signed and presented in conformity with Colorado law and that the allegations of the Amended Petition are true, the Council, by this ordinance, hereby authorizes the amendment of the legal description contained in the Amended Petition and in Section 4 of the Creation Ordinance as follows:

“Section 4. District Boundaries. The legal description of the District boundaries is as follows:

The District lies within the City of Westminster, County of Adams, State of Colorado, and includes the following parcels of land:

The North ½ of the NW ¼ of Section 27, Township 1 South, Range 68 West of the 6th P.M., except those parcels deeded to Farmers Reservoir and Irrigation Company and any portion lying within Interstate Highway 25 and West 136th Avenue.

The Southwest ¼ of Section 22, Township 1 South, Range 68 West of the 6th P.M. except any portion lying within Interstate Highway 25 and West 136th Avenue.

The area of the district is 214 acres more or less.”

Section 5. Recording of Amended Creation Ordinance. Within thirty days after Council action on this ordinance, the City Clerk shall transmit to the County Clerk and Recorder of Adams County a copy of the amended Creation Ordinance for recording.

Section 6. Repealer. All bylaws, acts, orders, resolutions and ordinances of the City, or parts thereof, inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any other such bylaw, act, order, resolution or ordinance of the City, or part thereof, heretofore repealed.

Section 7. Severability. If any section, subsection, paragraph, clause or other provision of this ordinance for any reason is invalid or unenforceable, the invalidity or unenforceability of such section, subsection, paragraph, clause or other provision shall not affect any of the remaining provisions of this ordinance, the intent being that the same are severable.

Section 8. Publication and Effective Date. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten days after its enactment after second reading. This ordinance shall take effect upon its adoption and passage after second reading.

Section 9. Recording and Authentication. This ordinance shall be recorded in "The Ordinance Book" of the City kept for that purpose, and shall be authenticated by the signatures of the Mayor and City Clerk.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this ___ day of May, 2001.

PASSED AND ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this day of May, 2001.

Mayor

(SEAL)
ATTESTED:

City Clerk

STATE OF COLORADO)
)
COUNTIES OF ADAMS) SS.
AND JEFFERSON)
)
CITY OF WESTMINSTER)

I, Michele Kelley, the duly appointed, qualified and acting City Clerk of the City of Westminster, Colorado (the "City"), do hereby certify:

1. That the foregoing pages are a true, correct, and complete copy of an ordinance (the "Ordinance") introduced and passed on first reading at the regular meeting of the City Council of the City (the "Council") held at City Hall on _____, 2001, and passed and adopted on second reading by the Council at the regular meeting of the Council held at City Hall on _____, 2001. A quorum of the Council was in attendance at said meetings.

2. That the members of the Council voted on passage and adoption of the Ordinance on first reading on _____, 2001, as follows:

Those Voting Aye: _____

Those Voting Nay: _____

Those Absent: _____

Those Abstaining: _____

3. That the adoption of the Ordinance was duly moved and seconded and the Ordinance was adopted by an affirmative vote of a majority of the members of the Council at the regular meeting of the Council on _____, 2001, as follows:

Those Voting Aye: _____

Those Voting Nay: _____

Those Absent: _____

Those Abstaining: _____

4. That the Ordinance has been authenticated by the Mayor, sealed with the corporate seal of the City, attested by me as City Clerk, and duly recorded in "The Ordinance Book" of the City; and that the same remains of record in "The Ordinance Book" of the City.

5. That notices of the meetings of _____, 2001, and _____, 2001, in the forms attached hereto as Exhibit A, were duly given to the Council members and were posted in a designated public place within the boundaries of the City no less than twenty-four hours prior to the meeting as required by law.

6. That the Ordinance was published by title and purpose after first reading on _____, 2001, and was published in full within ten days after its enactment on _____, 2001, in the Westminster Window, a newspaper of general circulation within the City. The affidavits of publication are attached hereto as Exhibit B. The Westminster Window is a newspaper which meets the requirements of Section 17.5 of the City's Charter, and I have received the affidavits and such other evidence as I deem necessary from the publisher thereof that said newspaper meets the circulation requirements of said Section 17.5.

7. On _____, 2001, I transmitted a copy of the Ordinance to the Adams County Clerk and Recorder for recording.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said City this _____ day of _____, 2001.

City Clerk

(SEAL)

EXHIBIT A

(Attach Notices of Meeting)

EXHIBIT B

(Attach Affidavits of Publication)



WESTMINSTER COLORADO

Agenda Memorandum

Date: May 14, 2001

Subject: HOME Program Intergovernmental Agreement with Adams County

Prepared by: Robin Byrnes, Community Development Programs Coordinator

Introduction

City Council action is requested to approve an Intergovernmental Agreement (IGA) with Adams County to gain access to \$200,000 in HOME Investment Partnership Act Program funding from the Department of Housing and Urban Development (HUD). The funds will be used to provide low interest loans for housing rehabilitation and homebuyer down payment assistance to low to moderate income Westminster residents.

Summary

Per HUD, the City is not eligible to receive a direct allocation of federal HOME Program funding because the City's housing stock does not meet the required threshold for funding. The HUD formula for determining HOME Program allocations uses the following factors:

- The number of vacancy-adjusted rental units where the household head is at or below poverty level.
- The number of occupied rental units with overcrowding, incomplete kitchen and plumbing facilities or high rent costs.
- The number of rental units built before 1950 occupied by poverty level families.
- The number of families at or below poverty level.
- The population of the jurisdiction.

Given guidelines of the Department of Housing and Urban Development (HUD) a Intergovernmental Agreement (IGA) between the City and Adams County is necessary to provide the City access to approximately \$200,000 in federal HOME Program funds to provide low interest loans for housing rehabilitation and homebuyer down payment assistance.

Policy Issue(s)

- Should the City contract for services related to housing rehabilitation and homebuyer down payment assistance to another governmental agency in order to access \$200,000 in HOME program funding?
- Should the City's Community Development Block Grant (CDBG) Program accept the HUD HOME regulatory program parameters in order to join the Adams County HOME Participating Jurisdiction?

Staff Recommendation

Authorize the Mayor to sign an Intergovernmental Agreement with Adams County allowing the City to join the Adams County HOME Participating Jurisdiction program.

Alternative(s)

- City Council could continue to fund housing rehabilitation and homebuyer down payment assistance services through the Community Development Block Grant Program. The result of this option would require additional staff to administer these programs and reduce the amount of CDBG funds for other eligible programs and projects.
- City Council could contract with Adams County or another eligible vendor to provide these services for an administrative fee that would be paid for out of the CDBG program. The result of this option would impact CDBG project funding by decreasing funding to eligible City CDBG projects in order to fund these housing services.
- City Council could decide not to pursue HOME Program funding to fund housing rehabilitation and homeowner down payment assistance.

Background Information

The Department of Housing and Urban Development has designated Adams County as a Participating Jurisdiction (PJ) for the allocation of HOME program funding. A Participating Jurisdiction is a unit or units of local government that establish a geographic consortium for the purposes of receiving federal HOME program funds. In general, HUD allocates HOME funds by formula among eligible State and local governments to strengthen public-private partnerships and to expand the supply of decent, safe, sanitary, and affordable housing for low to moderate-income families. HOME funds may be used to carry out community housing strategies through acquisition, rehabilitation, new construction, tenant based rental assistance and/or other eligible HOME housing activities.

The current Adams County Participating Jurisdiction comprises the cities of Bennett, Brighton, Broomfield, Federal Heights, Northglenn, Thornton, and unincorporated Adams County. Adams County receives approximately \$764,000 annually in federal HOME program funding for the development of affordable housing in Adams County. Per HUD, the Adams County HOME program allocation would increase by approximately \$226,000 as a result of the City joining the Participating Jurisdiction. The City would receive approximately \$200,000 of this funding as a result of the proposed Intergovernmental Agreement with Adams County. Adams County would retain the other \$26,000 for program administration expenses. HOME Program funding would become available to the City on March 1, 2002.

Per HUD, the Intergovernmental Agreement for the HOME Participating Jurisdiction must be signed every three years by all of the cities that participate in the HOME Program Participating Jurisdiction. The City would be entering the proposed IGA in the third year of an already existing IGA agreement between the County and the cities previously listed. The next three year IGA cycle for the HOME program will be from March 1, 2003 – February 28, 2006. A new IGA would be required in 2003 to continue participation.

In order for the City to participate in the County's Participating Jurisdiction the following conditions would apply:

- The Intergovernmental Agreement between the City and the County, per HUD, is required to be signed by June 29, 2001 in order for the City to participate in the County's HOME program, for the period of March 1, 2002 – February 28, 2003.
- The City is required by HUD to change the City's Community Development Block Grant (CDBG) program year from the current January 1, 2001 – December 31, 2001 to coincide with Adams County's HOME program year of March 1, 2002 – February 28, 2003, which is the year the IGA would take effect.

- The City is required by HUD to amend its HUD approved five-year Consolidated Plan to reflect the incorporation of the Intergovernmental Agreement with Adams County.
- The City would be required by HUD to submit all CDBG program and administrative reports to Adams County for a consolidated CDBG and HOME program submission to HUD. The consolidated reporting submission to HUD is a required element and is the mechanism used by HUD to allocate funds to the Participating Jurisdiction. However, these CDBG submissions would not affect the City's autonomy in deciding where to spend the annual CDBG appropriation.
- The City would continue to contract directly and receive a direct allocation from HUD for the City's CDBG program. The City would also retain autonomy from the County in all CDBG project-funding decisions. The IGA does not effectively impact the City's CDBG program.
- The Adams County Office of Community Outreach would administer the City's housing rehabilitation and homeowner down payment assistance programs. It is anticipated that \$130,000 will be allocated to housing rehabilitation and \$70,000 to homebuyer down payment assistance or an amount determined by Council and City staff. The City would receive the following services related to housing rehabilitation from the County:
 - Process consumer applications
 - Determine income eligibility as defined by HUD
 - Prepare a rehab scope of service
 - Secure construction bids
 - Process consumer loan and construction agreements
 - Monitor contractor work performance
 - Service the rehab loans
 - Conduct environmental reviews on all units rehabilitated
 - Maintain the housing rehab loan portfolio

It is anticipated that the City will benefit by providing services to approximately 13 Westminster households over the next year with rehab loans at approximately \$10,000 per household. Housing Rehabilitation services will provide eligible Westminster households with funds for essential home repair, such as, furnace and hot water heater replacement, roofing, plumbing, heating, electrical repair and replacement, etc.

- The Adams County Office of Community Outreach would also administer the City's homebuyer down payment assistance program by subcontracting this service to the Adams County Housing Authority. The Adams County Housing Authority is an eligible sub-recipient of HOME funds and has been administering the County's homeowner down payment assistance program for the past several years. The Adams County Housing Authority will provide the City with the following services:
 - Process consumer applications
 - Determine program eligibility as defined by HUD
 - Provide program participants with finance and credit training

- Determine down payment assistance needed based on income
- Assist facilitation of purchasing a home

The Adams County Office of Community Outreach will provide the following services:

- Provide all program monitoring to ensure compliance with all applicable HUD regulations
- Confirm income eligibility for program services
- Maintain homebuyer down payment assistance loan portfolio

It is anticipated that this program would provide homebuyer down payment assistance to approximately 14 eligible families with loans at about \$5,000 per household to be determined by income and need.

- The loan terms for the housing rehabilitation and homebuyer down payment assistance program are determined based on income, ability to repay loans, credit history, amount of assistance needed. Loan terms for these two programs will range from Deferred Due on Sale, Deferred Forgiven over a five-year period, 1%, 2% and 3% interest loans.
- The City would retain all program income generated from the housing rehabilitation and homebuyer down payment assistance loans. Program Income means gross income received that is directly generated from payments of principle and interest on loans made using HOME Program funds. Funds generated from Program Income would be used to provide additional loans for housing rehabilitation and homebuyer down payment assistance.
- In the past 10 years the City has provided housing rehabilitation/minor home repair services to 31 (average of 3 per year) Westminster households and allocated approximately \$57,000 to direct homeowner down payment assistance services using the City's Community Development Block Grant (CDBG) program. Joining the HOME Program Participating Jurisdiction would significantly increase the City's housing program capacity and expand services to residents and prospective homebuyers in the City.
- Joining the HOME Program Participating Jurisdiction would allow the City to reprogram its CDBG block grant funding for other eligible City and Community projects.
- Housing rehabilitation and homebuyer down payment assistance will provide services to income eligible households using HUD issued income guidelines.

Respectfully submitted,

William M. Christopher
City Manager

Attachments



WESTMINSTER COLORADO

Agenda Memorandum

Date: May 14, 2001

Subject: Councillor's Bill No. 25 re Financing for Public Safety Building (Certificates of Participation)

Prepared by: Mary Ann Parrot, Finance Director
Alan Miller, Special Projects Director

Introduction

City Council action is requested on the attached Councilor's Bill No. 25 re Financing for the Public Safety Building (Certificates of Participation (COPs)) for \$18.695 million. Proceeds will be used for the construction of the City's Public Safety Building for the headquarters for Police and Fire Departments and two other projects described below. Funds for lease payments are included in the budget adopted for Year 2001, as well as in the preliminary budget for Year 2002. Funds for lease payments in subsequent years will be recommended for City Council approval in the relevant budgets submitted for Council approval in future years.

Summary

At the Study Session of April 12, 2001, City Council discussed with Staff the design, costs and financing for this facility. City Council directed Staff to proceed with the construction and the use of lease-purchase financing for the project. The COP proceeds will be used for the following purposes:

- Construction of the City's Public Safety Building for the Police and Fire Department Headquarters and Operations (this will not affect any of the City's fire stations) - \$14 million. The collateral for the lease-purchase financing will be the building itself.
- Refinancing the Pavilion COPs to reduce the interest rate on this borrowing from 5.9% to 5.1%, saving the City approximately \$10,000 per year in interest costs - \$1.65 million, the same principal that was financed in February 2000,
- Sale of land to the Building Authority to provide cash for the building of the parking garage at Promenade - \$1.5 million, as reviewed with City Council in March 2001, at a special City Council meeting approving the amended agreement with Inland Pacific,
- Capitalized interest for COP payments until the facility is occupied in December 2002, as required by tax laws - \$1.1 million, and
- Costs of issuance to be provided from COP proceeds (insurance, surety, underwriter's discount and other fees).

Staff Recommendation

Adopt Councillor's Bill No. 25 as an emergency ordinance, approving the sale of \$18.695 million Certificates of Participation for the construction of the City's Public Safety Building, the re-financing of the City's Pavilion lease-purchase financing and the partial funding of the construction of the City's parking garage at the Promenade, and direct the Mayor, Finance Director and City Clerk to sign necessary documents on behalf of the City.

Alternatives

1. Finance the facility using available cash. This alternative is not recommended for the following reasons:

- Although the City is in a positive cash flow position, it does not have \$14 million dollars of excess cash flow budgeted for the construction of the facility. The budget is balanced for Years 2001 and 2002 and includes contingency and carryover funds, as well as contributions to fund balances, but does not allow for this size project. However, the City does have the cash flows to provide for \$1.14 million of COP payments for the 20-year period used to make the payments of principal and interest on the COPs.
- The life of the building is at least 20 years, probably closer in reality to 40 years. It is equitable and prudent to plan for paying for the building over a long period, as this facility will benefit the taxpayers over a longer period than the 22-year period used in the financing.
- These payments are already in the budgets for 2001 (adopted) and 2002 (preliminary). Both of these budgets included allowances for the competition at Flatirons Mall, as well. The payments beyond Year 2002 are also included in the long-term projections of revenues and expenditures for the City for the next 10 years.

2. Use another form of financing for the facility, such as Sales Tax Revenue Bonds. This is not recommended, primarily because revenue bonds usually require coverage of revenues greater than debt service (revenues at 1.25 times the debt service); COPs require coverage of revenue at 1.0 times debt service. The use of COPs frees up cash flow for the City to use for other purpose. Second, this issue has not been approved by the voters, as was the case with the planned financing for the I-25 financing; to revise the financing plans for this project would delay the project and increase the costs accordingly. Third, this issue is insured and the reserve funds are covered with a surety bond, thus providing the same security as a revenue bond. Fourth, the interest rate attached to the COPs is the same as a Sales Tax Revenue Bond. Lastly, other forms of financing such as bank loans, use of Enterprise Revenue Bonds, or other options are either more expensive or prohibited. In summary, the use of COPs makes the best use of cash flows at the same cost as another type of financing.

3. Do not build the facility. This is a possibility, but is not recommended. There is a real need for space for the public safety functions the City, who are operating in very cramped quarters at this time. Secondly, if the City intended to build the facility at some point in the future because of its aging facility or because of space needs, it is less expensive to build now than later, as the impact of construction inflation could be significant. Lastly, the City Council has approved key contracts for the design and construction of the facility; to void the contracts now would be costly to the City.

Background Information

The need for the City to build a facility to house the Police Headquarters has long been recognized by the City Council and Staff. At a Study Session in April 2001, City Council approved the design and financing concept presented by Staff.

Staff has also been meeting with the City's finance team, comprised of Bond Counsel Sherman & Howard, Bond Underwriter Hanifen, Imhoff Inc., and Financial Advisor James Manire. The team considered several additional financing needs of the City, including the opportunity to re-finance the Pavilion COPs issued in February 2000 and the need to finance the City's parking garage at the Promenade. After considering several alternatives, Staff and the City's advisors recommended the following course of action to City Council in the April 2001 Study Session:

- Pavilion Re-financing: Last year, in February 2000, when the Pavilion financing was secured, Staff realized interest rates would drop, thus allowing the opportunity to re-finance this COP. The rate at which the financing was issued was 5.9%. Staff allowed for the call of this financing at par (at no penalty) from Zions Bank, to whom the financing was sold.

Zions Bank has approved the pay-off of this financing at no additional cost to the City. Re-financing this issue will reduce the effective interest rate from 5.9% to approximately 5.1%, thus saving the City \$10,000 per year for the remainder of the term, or \$200,000 or more, depending on the final coupon for the Public Safety COPs.

- Parking Garage: do not issue bonds for this project, as the costs of the parking garage exceeded the estimates with which the City had been working, and the City does not have the funds to build the Garage. Instead, the City Council approved an agreement in March 2001 with Inland Pacific, which agreement included a cash contribution of \$3 million toward the \$7 million cost of the garage. The developer, Inland Pacific, will build the garage and then transfer ownership of the garage to the City in return for the cash contribution of \$3 million. Of the \$3 million toward the garage, \$1.5 million will come from this COP issue; the remainder will come from cash on hand. This total \$3 million contribution will also be re-paid to the City at 5.5%. In short, this allows for the financing of the parking garage by the developer at lower rates than he had originally planned, enables the building of a much-needed parking facility at the Promenade, for both patrons and office tenants, which the City will own, and re-pays the City at its current cost of capital for its entire contribution to the garage.

If the ordinance is approved by City Council, the COPs will be marketed in late May. Staff will return to City Council June 14, when the final interest rate and final proceeds are determined, to request formal approval of the COP purchase agreement and the appropriation of the proceeds of the COPs.

The City's financial advisors and Staff will be on hand at the meeting on May 14 to answer questions.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. 25

SERIES OF 2001

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AUTHORIZING THE SALE AND CONVEYANCE OF CERTAIN REAL PROPERTY OF THE CITY; AUTHORIZING THE EXECUTION AND DELIVERY BY THE CITY OF A THIRD AMENDMENT TO A PREVIOUSLY EXECUTED AND AMENDED LEASE PURCHASE AGREEMENT, A CONTINUING DISCLOSURE UNDERTAKING, A WARRANTY DEED, AN OFFICIAL STATEMENT AND RELATED DOCUMENTS; RATIFYING ACTION PREVIOUSLY TAKEN CONCERNING THE REFERENCED DOCUMENTS; PROVIDING OTHER MATTERS RELATING THERETO; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Westminster, Adams and Jefferson Counties, Colorado (the "City") is a duly organized and existing home rule municipality of the State of Colorado, created and operating pursuant to Article XX of the Constitution of the State of Colorado and the home rule charter of the City (the "Charter"); and

WHEREAS, pursuant to Chapter XI of the Charter, the City is authorized to enter into one or more leases or lease-purchase agreements for land, buildings, equipment and other property for governmental or proprietary purposes; and

WHEREAS, pursuant to Section 2.1 of the Charter, the City is authorized to sell and dispose of real and personal property; and

WHEREAS, the City Council of the City (the "City Council") has determined and hereby determines it is in the best interests of the City and its inhabitants that the City sell and convey certain real property owned by the City adjacent to City Hall (the "PSB Land") to The City of Westminster Building Authority (the "Authority"); and

WHEREAS, the City Council has determined and hereby determines it is in the best interests of the City and its inhabitants that the City lease from the Authority the PSB Land and a public safety facility to be constructed thereon (the "2001 Buildings") and also lease from the Authority certain real property generally known as Cotton Creek Park and known herein as the "Park Land" all pursuant to a Lease Purchase Agreement dated as of November 15, 1998, as amended by the First Amendment to Lease Purchase Agreement dated as of August 15, 1999, the Second Amendment to Lease Purchase Agreement dated as of February 1, 2000 and the Third Amendment to Lease Purchase Agreement dated as of May 1, 2001 (the "Third Amendment") (as so amended, the "Lease") all by and between the City and the Authority; and

WHEREAS, the City Council has determined and hereby determines that it is in the best interests of the City and its inhabitants that the City use the proceeds from the sale of the PSB Land to pay the costs of the 2001 Project (as defined in the Lease) and that the City enter into the Third Amendment to provide for the leasing by the City from the Authority of the PSB Land, the 2001 Buildings and the Park Land (collectively, the "2001 Leased Property"); and

WHEREAS, the City's obligation under the Lease to pay Base Rentals and Additional Rentals (both as defined in the Lease) shall be from year to year only; shall constitute currently budgeted expenditures of the City; shall not constitute a mandatory charge or requirement in any ensuing budget year; and shall not constitute a general obligation or other indebtedness or multiple fiscal year financial obligation of the City within the meaning of any constitutional, statutory or Charter limitation or

requirement concerning the creation of indebtedness or multiple fiscal year financial obligation, nor a mandatory payment obligation of the City in any ensuing fiscal year beyond any fiscal year during which the Lease shall be in effect; and

WHEREAS, the Authority and U.S. Bank National Association, as trustee (the "Trustee"), will enter into a Second Supplement to Mortgage and Indenture of Trust dated as of May 1, 2001 (the "Second Supplement") which supplements the previously executed and previously supplemented and amended Mortgage and Indenture of Trust dated as of November 15, 1998 (as so supplemented, the "Indenture"), pursuant to which there will be issued Certificates of Participation, Series 2001, dated May 1, 2001 in the approximate aggregate principal amount of \$18,695,000 (the "Certificates"); and

WHEREAS, the Certificates shall evidence assignments of proportionate undivided interests in the rights to receive certain Revenues (as defined in the Lease), shall be payable solely from the sources therein provided and shall not directly or indirectly obligate the City to make any payments beyond those appropriated for any fiscal year during which the Lease shall be in effect; and

WHEREAS, there have been presented to the City Council at this meeting: (i) the proposed form of the Third Amendment; (ii) the proposed form of the Continuing Disclosure Certificate to be provided by the City (the "Disclosure Certificate"); (iii) the Preliminary Official Statement dated May 10, 2001 (the "Preliminary Official Statement") relating to the Certificates; and (iv) the proposed form of the warranty deed to convey the PSB Land to the Authority (the "Deed"); and

WHEREAS, no member of the City Council has any conflict of interest or is interested in any pecuniary manner in the transactions contemplated by this ordinance;

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Short Title. This ordinance shall be known and may be cited by the short title "2001 Public Safety Building Financing Ordinance."

Section 2. Ratification and Approval of Prior Actions. All action heretofore taken (not inconsistent with the provisions of this ordinance) by the City Council or the officers or agents of the City Council or the City relating to the Lease, including the sale and conveyance of the PSB Land and the leasing of the 2001 Leased Property pursuant to the Third Amendment is hereby ratified, approved and confirmed. The designation of the Preliminary Official Statement by the City's Finance Director as a "nearly final Official Statement" for purposes of Rule 15c2-12 of the U.S. Securities and Exchange Commission is hereby ratified, approved and confirmed.

Section 3. Finding of Best Interests. The City Council hereby finds and determines, pursuant to the Constitution, the laws of the State of Colorado and the Charter, that the sale of the PSB Land, the completion of the 2001 Project, and the leasing of the 2001 Leased Property from the Authority under the terms and provisions set forth in the Lease and the Indenture are necessary, convenient and in furtherance of the City's purposes and are in the best interests of the inhabitants of the City and that the fair value of the PSB Land does not exceed its sales price, and the City Council hereby authorizes and approves the same.

Section 4. Conveyance of PSB Land. The City Council hereby approves the sale and conveyance to the Authority of the PSB Land, and the appropriate officers of the City are hereby authorized and directed to execute and deliver such deeds and other instruments as may be necessary to effect said sale and conveyance.

Section 5. Approval of 2001 Payoff Project. The early termination of the 2000 Lease (as defined in the Lease) by the payment of the Purchase Option Price there under is hereby approved, and the appropriate officers of the City are hereby authorized to give notice of the City's decision to exercise its option to so terminate the 2000 Lease and to take such other action as may be necessary or appropriate.

Section 6. Approval of Documents. The Third Amendment, the Disclosure Certificate and the Deed (the "Documents") in substantially the forms presented to this meeting of the City Council, are in all respects approved, authorized and confirmed, and the Mayor of the City is hereby authorized and directed for and on behalf of the City to execute and deliver the Documents in substantially the forms and with substantially the same contents as presented to this meeting of the City Council.

Section 7. Approval of Official Statement. A final Official Statement, in substantially the form of the Preliminary Official Statement presented to this meeting of the City Council, is in all respects approved and authorized. The Mayor is hereby authorized and directed, for and on behalf of the City, to execute and deliver the final Official Statement in substantially the form and with substantially the same content as the Preliminary Official Statement presented to this meeting of the City Council, with such changes as may be approved by the City Finance Director. The distribution by Hanifen Imhoff Division of Stifel, Nicolaus & Company, Incorporated, Denver, Colorado (the "Purchaser") of the Preliminary Official Statement and the final Official Statement to all interested persons in connection with the sale of the Certificates is hereby ratified, approved and authorized.

Section 8. Authorization to Execute Collateral Documents. The City Clerk is hereby authorized and directed to attest all signatures and acts of any official of the City in connection with the matters authorized by this ordinance and to place the seal of the City on any document authorized and approved by this ordinance. The Mayor and City Clerk and other appropriate officials or employees of the City are hereby authorized to execute and deliver for and on behalf of the City any and all additional certificates, documents, instruments and other papers, and to perform all other acts that they deem necessary or appropriate, in order to implement and carry out the transactions and other matters authorized by this ordinance, including but not limited to the execution of the Continuing Disclosure Certificate and such other documents, certificates and affidavits as may be necessary. The appropriate officers of the City are authorized to execute on behalf of the City agreements concerning the deposit and investment of funds in connection with the transactions contemplated by this ordinance, and are specifically authorized and directed hereby to invest such funds in Permitted Investments as are defined and provided in the Indenture. The execution of any instrument by the aforementioned officers or members of the City Council shall be conclusive evidence of the approval by the City of such instrument in accordance with the terms hereof and thereof.

Section 9. No General Obligation Debt. No provision of this ordinance, the Lease, the Indenture, the Certificates or the Preliminary or final Official Statement shall be construed as creating or constituting a general obligation or other indebtedness or multiple fiscal year financial obligation of the City within the meaning of any constitutional or statutory provision, nor a mandatory charge or requirement against the City in any ensuing fiscal year beyond the then current fiscal year. The City shall have no obligation to make any payment with respect to the Certificates except in connection with the payment of the Base Rentals (as defined in the Lease) and certain other payments under the Lease, which payments may be terminated by the City in accordance with the provisions of the Lease. Neither the Lease nor the Certificates shall constitute a mandatory charge or requirement of the City in any ensuing fiscal year beyond the then current fiscal year or constitute or give rise to a general obligation or other indebtedness or multiple fiscal year financial obligation of the City within the meaning of any constitutional, statutory or Charter debt limitation and shall not constitute a multiple fiscal year direct or indirect City debt or other financial obligation whatsoever. No provision of the Lease or the Certificates shall be construed or interpreted as creating an unlawful delegation of governmental powers nor as a donation by or a lending of the credit of the City within the meaning of Sections 1 or 2 of Article XI of the Colorado Constitution. Neither the Lease nor the Certificates shall directly or indirectly obligate the City to make any payments beyond those budgeted and appropriated for the City's then current fiscal year.

Section 10. Reasonableness of Rentals. The City Council hereby determines and declares that the Base Rentals do not exceed a reasonable amount so as to place the City under an economic compulsion to renew the Lease or to exercise its option to purchase the 2001 Leased Property pursuant to the Lease. The City Council hereby determines and declares that the period during which the

City has an option to purchase the 2001 Leased Property (i.e., the entire maximum term of the Lease) does not exceed the useful life of the 2001 Leased Property.

Section 11. Repealer. All bylaws, orders, resolutions and ordinances of the City, or parts thereof, inconsistent with this ordinance or with any of the documents hereby approved are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed as reviving any bylaw, order, resolution or ordinance of the City, or part thereof, heretofore repealed. All rules of the City Council, if any, which might prevent the final passage and adoption of this ordinance as an emergency measure at this meeting of the City Council be, and the same hereby are, suspended.

Section 12. Severability. If any section, subsection, paragraph, clause or provision of this ordinance or the documents hereby authorized and approved (other than provisions as to the payment of Base Rentals by the City during the Lease Term, provisions for the quiet enjoyment of the 2001 Leased Property by the City during the Lease Term and provisions for the conveyance of the 2001 Leased Property to the City under the conditions provided in the Lease) shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, subsection, paragraph, clause or provision shall not affect any of the remaining provisions of this ordinance or such documents, the intent being that the same are severable.

Section 13. Declaration of Emergency. In order to begin the 2001 Project while favorable market conditions exist, it is hereby declared that an emergency exists and that this ordinance is immediately necessary for the preservation of the public peace, health, safety and financial well-being of the City. This ordinance is hereby declared, pursuant to Section 8.14 of the Charter, exempt from referendum.

Section 14. Effective Date, Recording and Authentication. This ordinance shall be in full force and effect immediately upon enactment following final passage. This ordinance shall be recorded in "The Ordinance Book" of the City kept for that purpose, and shall be authenticated by the signatures of the Mayor and City Clerk, and published in accordance with law.

INTRODUCED, PASSED AND ADOPTED AS AN EMERGENCY ORDINANCE on
May 14, 2001.

Mayor

(SEAL)

ATTEST:

City Clerk

STATE OF COLORADO)
)
COUNTIES OF ADAMS) SS.
AND JEFFERSON)
)
CITY OF WESTMINSTER)

I, Michele Kelley, the duly appointed, qualified and acting City Clerk of the City of Westminster, Colorado (the "City") do hereby certify that:

1. The foregoing pages are a true, correct, and complete copy of an ordinance (the "Ordinance") passed and adopted by the City Council (the "Council") of the City at a regular meeting of the Council held at the City Hall on May 14, 2001.

2. The passage of the Ordinance as an emergency was duly moved and seconded, and the Ordinance was adopted at the meeting of May 14, 2001 by an affirmative vote of a majority of the members of the Council as follows:

Those Voting Yes:	Mayor Nancy Heil Mayor Pro Tem Sam Dixion Councillor Herb Atchison Councillor Butch Hicks Councillor Tim Kauffman Councillor Ann Merkel
-------------------	--

Those Voting No:	None
Those Abstaining:	None
Those Absent:	Councillor Ed Moss

3. The members of the Council were present at such meeting and voted on the passage of the Ordinance as set forth above.

4. The Ordinance has been signed by the Mayor, sealed with the City seal, attested by me as City Clerk and duly recorded in the books of the City; and the same remains of record in the book of records of the City.

5. There are no bylaws, rules or regulations of the Council which might prohibit the adoption of the Ordinance as an emergency.

6. Notice of the meeting of May 14, 2001, in the form, attached hereto as Exhibit A, was duly given to the Council members and was posted in a designated public place within the boundaries of the City no less than twenty-four hours prior to the meeting as required by law.

7. The Ordinance was published in full after adoption in Westminster Window, a newspaper of general circulation within the City on May 24, 2001. The affidavit of publication is attached hereto as Exhibit B.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City this 29th day of May, 2001.

(SEAL)

City Clerk

EXHIBIT A

(Attach Notice of Meeting)

EXHIBIT B

(Attach Affidavit of Publication)



WESTMINSTER
COLORADO

Agenda Memorandum

Date: May 14, 2001

Subject: Stormwater Management Program

Prepared by: Stephen C. Baumann, Assistant City Engineer

Introduction

City Council action is requested to pass the attached Councillor's Bill on first reading implementing a stormwater management program and adopt the attached Resolution establishing a service fees assessed against all developed properties in the City of Westminster.

Summary

Over the years, City Council has considered the use of a stormwater management program and an individual fee assessment mechanism to support storm drainage programs in the City. A simplified program that has as its basis a reasonable fee structure and does not rely on significant additional resources has been the goal. Several factors, including: a desire to diversify revenue sources; a philosophical preference for "fee for service" type programs; and the recent federal mandate to improve the quality of urban runoff, make a stormwater fee necessary and feasible at this time.

The proposed stormwater management program fees will be based on the amount of impervious (runoff producing) area on all developed properties in the City. The monthly fee for all single-family detached residential properties regardless of size will be \$1.50, and is based on an average impervious area of 3100 square feet per single family residential property in the City. This is a nominal amount and is less than half the average rate of a dozen nearby communities with similar programs. Other properties will have their charge computed by dividing the amount of impervious area on the property by the average impervious area for a single family detached residence (3100 square feet) and multiplying the result by \$1.50. In all cases the assessment will be apportioned to utility accounts which serve the property and placed on the utility bills the City already sends monthly.

Revenues from the stormwater fees will be dedicated to drainage improvement projects and programs and are expected to be approximately \$700,000 annually. These revenues will be used to improve operations and maintenance efforts, allow planning and implementation of a competent and ongoing capital improvement program for storm drainage facilities throughout the City, and support efforts to improve the quality of stormwater runoff under the federal mandate of the Environmental Protection Agency.

Policy Issue(s)

Staff Recommendation

1. Adopt Councillor's Bill No. 26 creating a stormwater management program and the system of fee determination which will support storm drainage programs in the City.
2. Pass Resolution No. 29 establishing \$1.50 as the monthly fee for single-family detached residential properties and the base rate for determining monthly fees for all other properties.

Alternative(s)

Alternatives to the creation of a stormwater management program supported by fees related to the service the City provides have been reviewed by City Council during the development of this recommendation. They include maintaining the status quo in City storm drainage programs. Under this alternative, operations and maintenance would continue to be reactive. Capital project improvements for drainage would be planned and pursued only after flooding reveals system inadequacies. The federal mandate for programs that improve stormwater quality in urban runoff would either be ignored or implemented at a minimal level of effort, relying on the community to heighten its own awareness of pollution in stormwater without the City's leadership or enforcement.

A second alternative would meet the challenges of what is essentially an under-funded storm drainage program by dedicating a larger share of existing General Fund revenues to meet these needs. Since the federal mandates cannot be ignored in the long run, this redirection of existing revenues would become a necessity. Fortunately, City Council and Westminster citizens have shown a long term commitment to addressing water quality issues. According to polls, Westminster citizens appreciate and value the efforts that enhance their environment, which would include the reduction of pollutants in creeks and the resultant improvement of the creek side environment.

The recommended alternative is the logical choice since it takes a fee-for-service approach, results in revenue diversification, and provides a dedicated source of funding for programs that must be supported.

Background Information

In the past several years, the City has considered the need and feasibility of creating a fee-for-service program to more adequately and consistently support the growing storm drainage needs of the City of Westminster. Historically, operations and maintenance of the system of pipes and channels and culverts that make up the drainage system have been reactive in nature--problems are identified and repairs are made if possible. Capital projects for drainage improvements have been funded when flooding or other problems have revealed the storm drainage system's inadequacies. The City has been extremely fortunate in that very few major storms have tracked over Westminster in recent years and no significant property damage or loss of life has occurred as a result of major storm flooding.

The third and evolving component of any municipal stormwater management program involves the improvement of the quality of urban runoff under a recent mandate from the United States' Environmental Protection Agency (EPA). The expectations and requirements of the next few years is that cities of all sizes will implement procedures and programs that reduce pollutants in stormwater runoff. Guidance for these programs has been somewhat vague, but the federally mandated approach on this issue is very clear and the penalties for non-compliance are significant.

A shortage of resources to address these needs has long been apparent. In the late 1980s and in more recent time, the concept of a stormwater management program supported by service fees has been the recommended option. The City considered the implementation of a stormwater fee in 1988/89 and decided not to pursue this approach at that time. Experience elsewhere has shown that if the service fees are in proportion to the impervious area on a property and related to the provision of basic drainage services, the fee approach is fair, legal and functional. Stormwater service fees also satisfy the City's need to diversify revenue sources as community build-out continues.

The attached ordinance creates an assessment formula that is simple, equitable in its application and reasonable for the citizens of Westminster. It will be based on the fact that the facilities needed to handle storm runoff are in proportion to the amount of impervious area on a property. Single-family detached residential properties comprise over 80% percent of the accounts that pay for City water and sanitary sewer service. While there is variability in the amount of impervious area on residential properties, it is not practical to measure each lot and determine that area. Instead, a random sample of nearly 500 such properties yielded an average of 3100 square feet of impervious area on each lot. This amount of impervious area will be the basic unit of measure for the assessment of fees for all properties. Under the proposed resolution, all single-family detached residential properties will pay a flat rate of \$1.50 per month based on this average impervious area. As the chart below shows, this fee is less than half that charged for similar utility service in a group of 12 cities in the metropolitan area.

Community	Average Monthly Single Family Residential Bill	Year Initiated
Fort Collins	\$5.59	1981
Loveland	\$5.31	1987
Longmont	\$5.04	1984
Boulder	\$4.88	1989
Aurora	\$3.65	1967-1969
Golden	\$3.20	1997
Berthoud	\$2.50	1989
Denver	\$2.20	1981
Littleton	\$2.00	1986
Woodland Park	\$2.00	1995
Lakewood	\$1.98	1999
Westminster	\$1.50	2001
Windsor	\$1.30	1991

Other properties and land use classifications will pay \$1.50 per month for each unit area (3100 square feet) of impervious surface on the property. The measurement of impervious area on non-single family detached residential properties will be done digitally using the City's Geographic Information System mapping and database. Formulas will be applied to determine the fee and to apportion it to the utility accounts that serve the property. Just as for residential properties, rates for commercial and other land uses under Westminster's program will be well below those of other cities.

The stormwater program and fee assessment is expected to raise \$700,000 annually and will be implemented in the second half of 2001 (raising approximately \$350,000 during the current year). The capital improvement project to begin to improve facilities at the Farmer's Highline Canal/Hyland Hills site in 2001 is contingent on the approval of this ordinance.

Respectfully submitted,

William M. Christopher
City Manager
Attachments

RESOLUTION

RESOLUTION NO. **29**

INTRODUCED BY COUNCILLORS

SERIES OF 2001

AUTHORIZING THE CREATION OF FUNDING FOR A STORMWATER MANAGEMENT PROGRAM

WHEREAS, the City of Westminster provides storm drainage services to its citizens by operating and maintaining streets, conduits, channels, ponds and creeks which convey and control stormwater runoff for the health, safety and welfare of the public, and

WHEREAS, it has become necessary to increase support and develop consistent and reliable funding for stormwater management activities including new programs that will be necessary under requirements of the Environmental Protection Agency's National Pollutant Discharge Elimination System, Phase II regulations, and

WHEREAS, the City has implemented a fee-for-service program for stormwater management activities that will assess fees against properties in the City based on the amount of impervious or runoff-producing surface on such properties, and

WHEREAS, creation of the program necessitates establishing a base rate of assessment that is reasonable, is proportional to the service provided, and can be applied equitably and uniformly across the several land use types that exist in the City, and

WHEREAS, it is desirable to implement the assessment and collection of fees in an efficient manner by the use of computerized mapping, averaging of measurements, grouping of land use characteristics, and the use of existing utility billing procedures and other labor saving activities.

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

1. The base rate for the assessment of fees for stormwater management services provided by the City of Westminster to the public shall be \$1.50 per month for each Runoff Area Unit (RAU).
2. The Runoff Area Unit shall be 3100 square feet of impervious, runoff producing area on each parcel or property as determined by the City.
3. The base rate of \$1.50 per month shall be assessed as a flat rate fee to each and all properties that are defined as single family detached residential, without regard to the actual impervious area on the property.

Passed and adopted this 14th day of May 2001.

ATTEST:

Mayor

City Clerk

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **26**

SERIES OF 2001

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE ESTABLISHING A STORMWATER MANAGEMENT PROGRAM; ESTABLISHING A STORMWATER SERVICE FEE; SETTING FORTH DEFINITIONS; PROVIDING FOR THE USE OF THE STORMWATER SERVICE FEE; PROVIDING FOR ADMINISTRATIVE AND JUDICIAL REVIEW; AND PROVIDING FOR ENFORCEMENT THEREOF.

WHEREAS, the City of Westminster has determined that the adoption of this ordinance, and the creation of a stormwater management program, under the terms, conditions, and criteria set forth hereunder, is necessary to protect the health, safety, and welfare of the citizens, residents and inhabitants of the City of Westminster.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The Westminster Municipal Code shall be amended BY THE ADDITION OF A NEW CHAPTER 13 as follows:

CHAPTER 13
STORMWATER MANAGEMENT PROGRAM

8-13-1 PURPOSE.

(A) THE CITY OF WESTMINSTER HEREBY ADOPTS THIS CHAPTER IN ORDER TO CONSTRUCT, OPERATE, AND MAINTAIN STORMWATER FACILITIES FOR ITS OWN USE AND FOR THE USE OF PUBLIC AND PRIVATE USERS WITHIN AND WITHOUT THE TERRITORIAL BOUNDARIES OF THE CITY, AND TO PROVIDE FOR A METHOD WHEREBY THE CITY MAY PRESCRIBE, REVISE, AND COLLECT IN ADVANCE OR OTHERWISE, FROM ANY OWNER OF ANY REAL PROPERTY RECEIVING SERVICE THEREFROM, RATES, FEES, AND CHARGES OR ANY COMBINATION THEREOF FOR THE SERVICES FURNISHED BY STORMWATER FACILITIES, INCLUDING, WITHOUT LIMITING THE GENERALITY OF THE FOREGOING, MINIMUM CHARGES, CHARGES FOR THE AVAILABILITY OF SERVICE, AND REASONABLE PENALTIES FOR ANY DELINQUENCIES, INCLUDING BUT NOT LIMITED TO INTEREST ON DELINQUENCIES FROM ANY DATE DUE, REASONABLE ATTORNEYS' FEES, AND OTHER COSTS OF COLLECTION, AND PROVIDING THAT THE CITY COUNCIL OF THE CITY MAY MODIFY, SUPERVISE, OR REGULATE ANY SUCH RATES, FEES, OR CHARGES.

(B) FURTHERMORE, THIS CHAPTER WILL PROMOTE THE GENERAL PUBLIC HEALTH, SAFETY AND WELFARE BY REDUCING THE POTENTIAL FOR THE MOVEMENT OF EMERGENCY VEHICLES TO BE IMPEDED OR INHIBITED DURING STORM OR FLOODING PERIODS; BY MINIMIZING STORM AND FLOOD LOSSES, INCONVENIENCE, AND DAMAGE RESULTING FROM RUNOFF; AND BY PROMOTING ACTIVITIES WHICH IMPROVE THE WATER QUALITY OF RUNOFF IN THE CITY OF WESTMINSTER.

(C) NOTWITHSTANDING THE ABOVE, FLOODS FROM RUNOFF MAY OCCUR THAT EXCEED THE CAPACITY OF STORMWATER FACILITIES CONSTRUCTED AND MAINTAINED BY FUNDS MADE AVAILABLE PURSUANT TO THIS CHAPTER. THIS CHAPTER DOES NOT IMPLY THAT PROPERTY SUBJECT TO THE FEES AND CHARGES ESTABLISHED HEREIN

WILL BE FREE FROM STORMWATER FLOODING OR FLOOD DAMAGE. THIS CHAPTER SHALL NOT CREATE ANY LIABILITY ON THE PART OF THE CITY OR ANY OFFICER OR EMPLOYEE THEREOF FOR ANY FLOOD DAMAGE.

8-13-2 WORDS AND PHRASES DEFINED: FOR THE PURPOSES OF THIS CHAPTER, THE FOLLOWING WORDS AND TERMS SHALL BE DEFINED AS FOLLOWS, UNLESS THE CONTEXT IN WHICH THEY ARE USED CLEARLY INDICATES OTHERWISE:

(A) “BASE RATE” MEANS THE MONTHLY RATE OF ASSESSMENT ASSOCIATED WITH EACH RUNOFF AREA UNIT (RAU) CALCULATED FOR A PROPERTY.

(B) “DIRECTOR” MEANS THE DIRECTOR OF THE DEPARTMENT OF COMMUNITY DEVELOPMENT OF THE CITY OF WESTMINSTER, COLORADO, OR HIS/HER DESIGNEE.

(C) “DEVELOPMENT” MEANS ANY MAN-MADE CHANGE TO REAL PROPERTY INCLUDING, BUT NOT LIMITED TO, BUILDINGS OR OTHER STRUCTURES, STREETS, PARKING LOTS, MINING, DREDGING, FILLING, GRADING, PAVING, OR EXCAVATING.

(D) “IMPERVIOUS SURFACE” MEANS SURFACES ON OR IN REAL PROPERTY WHERE THE RATE OF INFILTRATION OF STORMWATER INTO THE EARTH HAS BEEN REDUCED BY THE WORKS OF MAN. FOR PURPOSES OF THIS CHAPTER, BUILDINGS, MAN-MADE STRUCTURES, DRIVEWAYS, PATIO AREAS, ROOFS, CONCRETE OR ASPHALT SIDEWALKS, PARKING LOTS OR STORAGE AREAS, AND OTHER BRICKED, OILED, MACADAM OR HARD-SURFACED AREAS WHICH IMPEDE PASSAGE OF STORMWATERS INTO THE EARTH’S SURFACE ARE DEEMED TO BE IMPERVIOUS.

(E) “PERSON” MEANS A NATURAL PERSON, CORPORATION, PARTNERSHIP, OR OTHER ENTITY.

(F) “PROJECT COSTS” MEANS THOSE COSTS OF ADMINISTRATION, MANAGEMENT, PLANNING, ENGINEERING, CONSTRUCTION, RECONSTRUCTION, RIGHT-OF-WAY ACQUISITION, REPLACEMENT, CONTINGENCIES, FISCAL, LEGAL, AND ALL OPERATION AND MAINTENANCE COSTS OF STORMWATER FACILITIES INCLUDING THOSE COSTS TO COMPLY WITH FEDERAL, STATE OR CITY LAWS REGULATING STORMWATER FACILITIES OR RUNOFF.

(G) “RUNOFF” MEANS THAT PART OF SNOWFALL, RAINFALL OR OTHER STORMWATER THAT IS NOT ABSORBED, TRANSPIRED, EVAPORATED, OR LEFT IN SURFACE DEPRESSIONS, AND THAT THEN FLOWS CONTROLLED OR UNCONTROLLED INTO A STREET, STORM SEWER, WATERCOURSE OR BODY OF WATER.

(H) “RUNOFF AREA UNIT (RAU)” MEANS THE AVERAGE AREA OF IMPERVIOUS SURFACE ON A SINGLE-FAMILY DETACHED RESIDENTIAL PROPERTY AS DETERMINED BY RANDOM SAMPLING OF SUCH PROPERTIES IN THE CITY.

(I) “SERVICE FEE” MEANS THE STORMWATER SERVICE FEE AS CREATED BY THIS ORDINANCE.

(J) “STORMWATER FACILITIES” MEANS ANY ONE OR MORE OF THE VARIOUS DEVICES USED IN THE COLLECTION, TREATMENT, OR DISPOSITION OF STORM, FLOOD OR SURFACE DRAINAGE WATERS, INCLUDING ALL MANMADE STRUCTURES OR NATURAL WATERCOURSES FOR THE CONVEYANCE OF RUNOFF, SUCH AS: DETENTION AREAS, BERMS, SWALES, IMPROVED WATERCOURSES, CHANNELS, BRIDGES, GULCHES, WETLAND AREAS, STREAMS, GULLIES, FLUMES, CULVERTS, GUTTERS, PUMPING STATIONS, PIPES, DITCHES, SIPHONS, CATCH BASINS AND STREET FACILITIES; ALL

INLETS; COLLECTION, DRAINAGE, OR DISPOSAL LINES; INTERCEPTING SEWERS; DISPOSAL PLANTS; SETTLING BASINS; OUTFALL SEWERS; ALL PUMPING, POWER, AND OTHER EQUIPMENT AND APPURTENANCES; ALL EXTENSION, IMPROVEMENTS, REMODELING, ADDITIONS, AND ALTERATIONS THEREOF; AND ANY AND ALL RIGHTS OR INTERESTS IN SUCH STORMWATER FACILITIES.

(K) "WATERCOURSE" MEANS A STREAM HAVING A BODY OR BANKS AND USUALLY DISCHARGING INTO SOME OTHER STREAM OR BODY OF WATER.

8-13-3 ESTABLISHING STORMWATER MANAGEMENT PROGRAM: THERE IS HEREBY ESTABLISHED A STORMWATER MANAGEMENT PROGRAM IN THE CITY OF WESTMINSTER. THROUGH SAID PROGRAM, THE CITY SHALL CONSTRUCT, OPERATE, AND MAINTAIN STORMWATER FACILITIES AND PAY OTHER PROJECT COSTS AND PERFORM OTHER FUNCTIONS OR DUTIES AUTHORIZED BY LAW. SUCH PROGRAM SHALL BE OWNED BY THE CITY AND OPERATED IN ACCORDANCE WITH ALL APPLICABLE LAWS.

8-13-4 ESTABLISHING STORMWATER UTILITY FEE:

(A) FEE ESTABLISHED. THERE IS HEREBY IMPOSED ON THE OWNER OF EACH AND EVERY LOT OR PARCEL OF LAND WITHIN THE CITY CONTAINING AN IMPERVIOUS SURFACE, A STORMWATER SERVICE FEE. THIS SERVICE FEE IS DEEMED REASONABLE AND IS NECESSARY TO PAY FOR THE PROJECT COSTS OF EXISTING AND FUTURE CITY STORMWATER FACILITIES. ALL OF THE PROCEEDS OF THE SERVICE FEE ARE FOR PAYMENT FOR USE OF THE CITY'S STORMWATER FACILITIES BY THE OWNERS OF REAL PROPERTY UPON WHICH THE SERVICE FEE IS IMPOSED.

(B) BASIS FOR FEE. THE BASIS FOR THE AMOUNT OF THE SERVICE FEE IS THE EXTENT TO WHICH EACH PARCEL OF LAND WITHIN THE CITY MAKES USE OF THE STORMWATER FACILITIES, SUCH USE TO BE DEFINED BY THE AMOUNT OF IMPERVIOUS SURFACE ON THE PROPERTY. THE FEE IS ALSO BASED ON THE COST OF INCLUDING THE PARCEL IN THE PROPERTY AND BILLING RECORDS, PLANS, AND MONITORING ACTIVITIES OF THE STORMWATER MANAGEMENT PROGRAM.

(C) EXEMPTIONS. ALL PUBLIC HIGHWAYS, ROADWAYS, STREETS, ALLEYS, RAILROAD RIGHTS-OF-WAY, IRRIGATION CANALS, AND UNDEVELOPED PROPERTY SHALL BE EXEMPT FROM ALL CHARGES IMPOSED BY THIS CHAPTER.

(D) HOW FEE COLLECTED. THE SERVICE FEE SHALL BE PAYABLE MONTHLY AND SHALL BE BILLED AND COLLECTED WITH THE CITY WATER AND SEWER BILL.

(E) CALCULATION OF FEE. FOR PURPOSES OF IMPOSING THE STORMWATER SERVICE FEE, ALL LOTS AND PARCELS WITHIN THE CITY ARE CLASSIFIED INTO THE FOLLOWING TWO (2) CLASSES:

1. SINGLE-FAMILY DETACHED RESIDENTIAL. (SFDR)
2. ALL OTHERS. (NON-SFDR)

THE DIRECTOR OR HIS DESIGNEE IS DIRECTED TO PREPARE A LIST OF LOTS AND PARCELS WITHIN THE CITY AND ASSIGN THE APPROPRIATE CLASSIFICATION TO EACH LOT OR PARCEL.

1. EACH SINGLE-FAMILY DETACHED RESIDENTIAL PROPERTY SHALL BE BILLED A FLAT FEE AS ESTABLISHED HEREIN FOR THE AVERAGE IMPERVIOUS AREA ON THE PROPERTY. THE SINGLE-FAMILY DETACHED RESIDENTIAL AVERAGE AREA SHALL BE

REFERRED TO AS THE RUNOFF AREA UNIT (RAU). THE RAU WILL BE DETERMINED BY DIGITALLY MEASURING AND SUMMING THE IMPERVIOUS AREA ON A RANDOM SAMPLE OF APPROXIMATELY 450 SINGLE-FAMILY DETACHED RESIDENCES IN THE CITY AND AVERAGING THE TOTAL. THE MONTHLY FEE TO BE CHARGED FOR EACH SINGLE-FAMILY DETACHED RESIDENTIAL PROPERTY AND SHALL BE REFERRED TO AS THE CURRENT BASE RATE PER MONTH. BOTH THE RAU AND THE BASE RATE SHALL BE ESTABLISHED BY CITY COUNCIL RESOLUTION. PRIOR TO CONSIDERATION OF A RESOLUTION TO SUBSEQUENTLY MODIFY THE RAU OR THE BASE RATE, THE CITY SHALL PUBLICIZE THE PROPOSED FEE MODIFICATION AND PROVIDE AN OPPORTUNITY FOR PUBLIC INPUT REGARDING THE PROPOSED FEE CHANGE.

2. FOR ALL OTHER PROPERTIES NOT COVERED BY SUBSECTION 1. OF THIS SECTION, THE SERVICE FEE SHALL BE DETERMINED BY DIVIDING THE CALCULATED TOTAL SQUARE FOOTAGE OF IMPERVIOUS AREA ON THE PROPERTY BY THE RUNOFF AREA UNIT (RAU), MULTIPLYING THE RESULT BY THE BASE RATE, AND APPORTIONING THE RESULT TO THE UTILITY ACCOUNTS WHICH SERVE THE PROPERTY. THE BILLING RATE FOR NON-SFDR PROPERTIES MAY BE UPDATED BY THE DIRECTOR BASED ON ANY ADDITIONS/SUBTRACTIONS TO THE IMPERVIOUS AREA.

(F) ADDITIONAL FEES. THE SERVICE FEE SHALL BE SUBJECT TO ADDITIONAL FEES FOR DELINQUENT PAYMENT, UNCOLLECTIBLE CHECKS, LIENS AND ANY OTHER PENALTIES WHICH ARE THE SAME AS THOSE IMPOSED WITH CITY WATER OR SEWER UTILITY CHARGES.

8-13-5 ADMINISTRATIVE AND JUDICIAL REVIEW.

(A) RIGHT TO PETITION. A PROPERTY OWNER MAY PETITION THE DIRECTOR FOR A REVISION OR MODIFICATION OF THE SERVICE FEE NO LATER THAN THIRTY (30) DAYS AFTER HAVING BEEN BILLED FOR SUCH CHARGE. ANY SUCH PETITION MAY ONLY BE FILED ONCE IN CONNECTION WITH THE ISSUE OR ISSUES PRESENTED IN THE PETITION, EXCEPT UPON A SHOWING OF CHANGED CIRCUMSTANCES SUFFICIENT TO JUSTIFY THE FILING OF AN ADDITIONAL PETITION. THE BASIS FOR THE PETITION IS LIMITED TO THE FOLLOWING ISSUES:

1. FOR SINGLE-FAMILY DETACHED RESIDENTIAL. AN OWNER OF SINGLE-FAMILY DETACHED RESIDENTIAL DETACHED PROPERTY MAY PETITION ON THE BASIS THAT HIS/HER PROPERTY HAS BEEN INCORRECTLY CLASSIFIED AS SUCH.

2. FOR ALL OTHER PROPERTIES (NON-SFDR). AN OWNER OF PROPERTY OTHER THAN SINGLE-FAMILY DETACHED RESIDENTIAL MAY PETITION ON THE FOLLOWING BASIS:

- A. THE IMPERVIOUS AREA ON THE PROPERTY HAS BEEN IMPROPERLY MEASURED OR CALCULATED.
- B. THE PROPERTY IS EXEMPT FROM THE SERVICE FEE PURSUANT TO W.M.C. § 8-13-4(C).
- C. THE PROPERTY IS IMPROPERLY CLASSIFIED AS NON-SFDR.
- D. A COMPUTATIONAL ERROR WAS MADE IN CALCULATING THE AMOUNT CHARGED.

(B) IN WRITING. SUCH PETITION SHALL BE IN WRITING. ANY RELEVANT INFORMATION IN SUPPORT OF THE PETITION SHALL BE SUBMITTED WITH THE PETITION.

(C) INFORMAL MEETING. THE DIRECTOR OR HIS DESIGNEE MAY ATTEMPT TO RESOLVE THE ISSUES RAISED IN THE PETITION VIA A TELEPHONE CONFERENCE OR THE DIRECTOR MAY RECOMMEND AN INFORMAL MEETING WITH THE PROPERTY OWNER. THE DIRECTOR SHALL MAKE A FINAL DECISION ON THE PETITION WITHIN THIRTY (30) DAYS OF RECEIPT OF THE PETITION AND MAY CONFIRM OR MODIFY SUCH FEE OR DETERMINATION IN ACCORDANCE WITH THE FACTS SUBMITTED. SUCH DECISION BY THE DIRECTOR SHALL BE IN WRITING AND NOTICE THEREOF SHALL BE MAILED TO OR SERVED UPON THE PETITIONER WITHIN TEN (10) DAYS FROM THE DATE OF THE DIRECTOR'S ACTION. SERVICE BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, SHALL BE CONCLUSIVE EVIDENCE OF NOTICE FOR THE PURPOSE OF THIS CHAPTER. SUCH ACTION BY THE DIRECTOR SHALL BE CONSIDERED FINAL AND THE REMAINING TOTAL LIABILITY, IF ANY, SHALL BE PAID ON OR BEFORE THIRTY (30) DAYS AFTER THE DATE OF THE DECISION.

8-13-6 ENFORCEMENT. IN THE EVENT ANY OWNER OR OWNERS OF ANY LOT, PARCEL OF LAND, OR ANY REAL PROPERTY WITHIN THE LEGAL BOUNDARIES OF THE CITY SHALL NEGLECT, FAIL, OR REFUSE TO PAY THE FEES FIXED BY THIS CHAPTER, THE CITY MAY PURSUE ANY REMEDY AVAILABLE AT LAW OR EQUITY TO ENFORCE AND COLLECT THE FEE. THE CITY MAY ALSO RECOVER, IN ADDITION TO FEES DUE, ALL COURT COST, ATTORNEY FEES, AND INTEREST ON THE AMOUNT OWING.

(A) LIEN DECLARED. THE CITY COUNCIL HEREBY FINDS AND DETERMINES THAT IT IS THE POLICY OF THE CITY THAT ALL STORMWATER FACILITIES SUPPLIED AND FURNISHED BY THE CITY AND SUPPORTED BY THE SERVICE FEE SHALL BE DEEMED TO BE SUPPLIED AND FURNISHED TO THE REAL PROPERTY SO SERVED WITHOUT REGARD TO THE ACTUAL PERSON, BUSINESS, ORGANIZATION OR ENTITY BILLED FOR STORMWATER FACILITIES. ACCORDINGLY, IN ADDITION TO OTHER CIVIL COLLECTION PROCEDURES, ALL FEES AND CHARGES, TOGETHER WITH ALL INTEREST AND PENALTIES FOR DEFAULT IN PAYMENT, AND ALL COSTS IN COLLECTING THE SAME, UNTIL PAID, SHALL CONSTITUTE A PERPETUAL LIEN ON THE PROPERTY, ON A PARITY WITH THE TAX LIEN OF GENERAL, STATE, COUNTY, CITY, TOWN, OR SCHOOL TAXES, AND NO SALE OF SUCH PROPERTY TO ENFORCE ANY GENERAL, STATE, COUNTY, CITY, TOWN OR SCHOOL TAX OR OTHER LIENS SHALL EXTINGUISH THE PERPETUAL LIEN FOR SUCH FEES, CHARGES, INTEREST, PENALTIES, AND COSTS.

(B) TERMINATION OF WATER SERVICE. IN ADDITION TO THE OTHER REMEDIES SPECIFIED HEREIN OR OTHERWISE PERMITTED BY LAW, THE CITY MAY, IN ACCORDANCE WITH THE PROCEDURE SET FORTH IN W.M.C. § 8-7-9 TERMINATE WATER SERVICE TO ANY BUILDING, IMPROVEMENT, FACILITY, LAND, REAL PROPERTY, LOT OR PARCEL FOR WHICH THE STORMWATER UTILITY FEE IS NOT PAID. REINSTATEMENT OF SERVICE SHALL OCCUR UPON PAYMENT OF ALL DELINQUENT CHARGES AND A REINSTATEMENT FEE AS SET BY RESOLUTION OF CITY COUNCIL.

(C) DELINQUENT CHARGES AND FEES MAY BE COLLECTED AS ANY OTHER UTILITY BILL OWED TO THE CITY AT THE OPTION OF THE CITY.

(D) ENFORCEMENT OF THIS SUBSECTION SHALL BE IN THE MUNICIPAL COURT OF THE CITY OR THE DISTRICT COURT OF JEFFERSON COUNTY OR ADAMS COUNTY. NO REMEDY PROVIDED HEREIN SHALL BE EXCLUSIVE, BUT THE SAME SHALL BE CUMULATIVE; AND THE TAKING OF ANY ACTION HEREUNDER SHALL NOT PRECLUDE OR PREVENT THE TAKING OF OTHER ACTION HEREUNDER TO ENJOIN ANY VIOLATION OF THAT ORDINANCE.

8-13-7 UNUSUAL CIRCUMSTANCES. IT IS ANTICIPATED THERE WILL BE SITUATIONS WHICH ARE NOT ADDRESSED BY THE PROCEDURES AND CRITERIA IN THIS ORDINANCE. IN THESE CASES, THE DIRECTOR IS DELEGATED THE AUTHORITY TO ANALYZE AND DECIDE THOSE CASES.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 14th day of May, 2001.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 21st day of May, 2001.

Mayor

ATTEST:

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

Date: May 14, 2001

Subject: Resolution No. 28 Reallocation of Staffing in the City Manager's Office and the Community Oriented Governance (COG) Program

Prepared by: Barbara Gadecki, Assistant to the City Manager

Introduction

City Council action is requested to adopt the attached resolution that amends the 2001 Budget allocation of authorized personnel by adding a 0.8 full time equivalent (FTE) Neighborhood Outreach Coordinator position in the City Manager's Office by reallocating the funds previously associated with one full time Management Intern II position. This reallocation of Staff reduces the number of Management Intern II's in the City Manager's Office from two to one. The proposed transition will not affect any existing Staff as there is a vacant Management II position currently. Funds are available within the City Manager's Office budget for the expenses of this new Neighborhood Outreach Coordinator position for the balance of 2001.

Summary

Staff is recommending a mid-year reallocation of staffing in the City Manager's Office to better address the needs of both the COG program and the CMO. Staff is proposing that the COG Coordinator position be separated from the Management Assistant position that is currently a combined position within the City Manager's Office (Brian Bosshardt previously held this position).

Staff is proposing that one of the existing intern positions be eliminated and a 0.8 FTE Neighborhood Outreach Coordinator be authorized. Additionally, consolidating some of the COG area teams is proposed as an initial change to the COG program with additional changes to be created with the new COG Coordinator.

Incoming City Manager Brent McFall has reviewed these recommendations and concurs with the proposed changes.

Policy Issues

- Should the City reallocate staffing resources within the City Manager's Office by reducing one Management Intern to create 0.8 FTE Neighborhood Outreach Coordinator?
- Should the City consolidate some of the COG area teams (i.e., from eleven to five or six teams)?

Staff Recommendation

1. Adopt Resolution No. 28 authorizing the addition of a 0.8 full-time, benefited Neighborhood Outreach Coordinator position to the staffing levels approved as part of the 2001 Budget.
2. Direct Staff to proceed with the consolidation of Community Oriented Governance (COG) area teams to better address participation and neighborhood needs as outlined in this agenda memo.

Alternatives

- Leave the Staffing levels and allocations as they currently exist in the City Manager's Office (i.e., no change – two Management Interns and one Management Assistant/COG Coordinator).
- Eliminate one of the two Management Intern positions, leave the one full-time Management Assistant position, and create one full-time Neighborhood Outreach Coordinator (i.e., one Management Intern, one full-time Management Assistant, and one full-time Neighborhood Outreach Coordinator). This would result in an additional cost of \$8,250 for salary plus approximately \$1,400 for benefits.

Background Information

The Community Oriented Governance (COG) program's origins date back to the early 1990s when a neighborhood incident generated a new approach to addressing issues raised by citizens. As a result of the creative multi-departmental approach to working with residents, the COG program developed into its current format of eleven geographic area teams in the City with employee Team Leaders and primarily employee Assistant Team Leaders (the City currently has one neighborhood leader who serves as an Assistant Team Leader). The Leadership of the COG program is set up to involve a maximum of twenty-two employee Team Leader and Assistant Team Leaders, in addition to support from other City employees as Team Members.

As the City has grown, opportunities for face-to-face communication have become more difficult. While residents are involved in working, raising families, attending school, etc., City employees are trying to keep up with the growing population and increased needs of the community. Coupling this with a widely disparate demographic mix between different areas of the City, it becomes quite difficult to accomplish interactive communication while meeting the high customer service goals desired by our residents and the City. The Community Oriented Governance program is one program in the City's ongoing efforts to improve upon customer service; directly soliciting citizen participation, support, feedback and involvement in the community. COG is not solely about monthly meetings; area teams hold fun events to draw people out of their homes and meet their neighbors as well.

The goals of the COG program have not changed since its inception: connect and build trust with citizens; increase the sense of community within Westminster neighborhoods; create partnerships; empower neighborhoods; and facilitate a two-way flow of communication. Staff has continually worked to strengthen the COG program both internally and externally in order to put the program in a better position to meet its goals. Measures such as training, reaching out to active Homeowners Associations and focusing City projects and issues towards COG were initiated under the previous COG Coordinator's tenure.

COG also serves to empower Westminster neighborhoods. It not only helps to build a sense of community, it also helps citizens realize that government cannot and should not solve every problem.

The achievements of the COG program thus far reflect upon the hard work volunteered by a dedicated group of citizens and a dedicated group of City Staff. COG provides a forum for open communication, sharing ideas, and discussing concerns. As a result of this approach to neighborhood involvement, the COG teams have developed rapport and trust between City employees and citizens. This trust has enabled the teams to accomplish mutually agreed upon goals, using City and citizen resources.

Staff has identified the need for improvements to the COG programs. Some COG teams are successful while others are struggling to draw people to their meetings. Staff has been working to identify ways to engage more citizens in the program.

The combined position of Management Assistant/COG Coordinator encompassed multiple responsibilities within the City Manager's Office (CMO). This individual managed the COG program, but also worked on special projects and budget development in the CMO. On average, the COG program proved to utilize about half of the previous Management Assistant/COG Coordinator's time in the COG Coordinator role during various times of the year. At other times during the year, the Management Assistant role of this position utilized a majority of the individual's time with special projects and budget development assistance. As such, the Management Assistant/COG Coordinator had the difficult challenge of working within two very different jobs while working to achieve the goals set forth for both the COG program as well as the responsibilities associated with the Management Assistant position.

The previous COG Coordinator, Brian Bosshardt, left the City in October to join his wife in Arizona and live closer to family. Originally, CMO went through a lengthy recruitment and interview process for the combined Management Assistant/COG Coordinator position. However, through this unsuccessful recruitment process it became evident to COG program members and CMO Staff that the combined Management Assistant/COG Coordinator position is a very difficult position to fill. The difficulty lies in the competing demands of the Management Assistant (i.e., a need for strong analytical skills) versus that of the COG Coordinator component of the position (i.e., a need for strong people skills).

After the failed attempt to fill the vacancy, Staff took the opportunity to re-evaluate the position and the COG program itself. Staff discussed with the COG leadership the challenges of the COG program and what impact the split position had on the program. Based on feedback received, Staff proceeded to analyze the staffing of the COG program and the City Manager's Office. The success of the COG program and its neighborhood outreach function is a very high priority for Staff. However, maintaining continuity within the City Manager's Office during a period of significant change, as well as maintaining support on special projects and the budget development process is also very important. To address both the needs of the COG program and the CMO, Staff is proposing a reallocation of Staff within the City Manager's Office whereby the COG Coordinator would be separated from the Management Assistant position.

Specifically, Staff is proposing that one of the two Management Intern II positions currently within the City Manager's Office be eliminated and replaced with a 0.8 FTE Neighborhood Outreach Coordinator position. The transition to this proposed reallocation of staffing would occur with the conclusion of existing internships; no current staff would be asked to depart earlier than originally anticipated.

The existing 1.0 FTE Management Assistant position would remain in place; focused on those responsibilities associated with special projects and budget development. The Neighborhood Outreach Coordinator position would then be able to focus entirely on the COG program. The 0.8 FTE designation will allow a 4-day workweek or the equivalent of a thirty-two (32) hour workweek. Based on the workload incurred by the previous COG Coordinator, Staff believes that the 0.8 FTE designation will allow more time than previously utilized on the COG program. Additionally, due to the unique nature of this position, in that it deals primarily with resident meetings that traditionally occur in evenings or on weekends, it is Staff's intention that the days worked would be flexible based upon the number of night meetings and/or weekend events in any given week.

Staff is recommending that the official title of the new 0.8 FTE be a Neighborhood Outreach Coordinator versus the COG Coordinator. Staff believes that this more general title will allow greater flexibility with the position and the program itself. At some point in the future, changing the name of the COG program may be appropriate to better communicate to the public; however, such a change is not being proposed at this time.

Human Resources is recommending that the Neighborhood Outreach Coordinator position be aligned with the Management Assistant position (current salary range \$41,250-\$48,250) based on similar such positions within other organizations in the Denver metropolitan area.

For a 0.8 FTE position, the salary range would be \$33,000-\$38,600 plus benefits (as compared to the Management Intern salary range that is currently \$32,410 – \$37,586). As such, the proposed reallocation of staffing would cost approximately an additional \$590 for salary in the first year, plus approximately an additional \$100 for benefits, than is currently budgeted. This additional cost would be absorbed within the CMO budget in 2001 from the savings associated with the current vacancy in the Management Assistant position. [Please note that in the attached resolution, even though only a 0.8 FTE Neighborhood Outreach Coordinator position is being proposed, the salary range of a full 1.0 FTE is shown in the pay plan per Human Resources requirements. The actual salary range for the 0.8 FTE Neighborhood Outreach Coordinator remains \$33,000-\$38,600.]

Additionally, in the discussions with the COG leadership, ways to improve the program are being proposed with this proposed reallocation of staff. Currently, the COG program leadership consists of employee volunteers selected for both their interest and abilities in achieving the goals of the COG program. The City is divided into eleven (11) different teams, formed geographically around local schools. Monthly meetings are held providing citizens a forum to learn more about City government, services, facilities, and programs, as well as the opportunity to become involved in the governing process. Employees representing all City departments have taken the initiative and created teams of employees who work together with the neighborhood leaders in their COG areas to communicate information, address issues, and work on projects together. As noted previously, the COG program is allocated up to twenty-two Team and Assistant Team Leaders when "at full strength." The current program provides bonuses to these employees: Team Leaders receive an annual bonus of \$2,000 and Assistant Team Leaders receive an annual bonus of \$1,000, which are distributed in quarterly payments. In addition, Team Members are eligible to receive overtime compensation pursuant to the regulations associated with the Fair Labor Standards Act (FLSA).

Based on attendance and participation on the various COG teams, some areas are thriving and others are struggling. In several cases, the existing COG teams have been holding joint meetings and events to maximize financial and Staff resources. In other cases, the existing COG team has a strong core group of attendees who enjoy the monthly informational meetings and participate in COG area team events. Based on this feedback, the COG leadership concurs that a consolidation of COG area teams makes sense, potentially reducing the number of COG team areas from the current eleven (11) teams to five or six teams. By reducing the number of COG area teams, it is Staff's intention to continue to identify creative new ways to reach out to the community and establish the partnerships as intended with the COG program. With City Council's concurrence, Staff would proceed in making this initial change to the program while recruiting for the new 0.8 FTE Neighborhood Outreach Coordinator position.

Through the consolidation of the teams, it is anticipated that the City will save approximately \$15,000 in associated bonuses and overtime expenses. Please note that reducing the number of COG area teams is not being recommended as a means to save money; it is being recommended due to the evolution of attendance and participation in the various COG area teams. These funds could either be reallocated for use within the COG program or potentially utilized for other priority projects identified by City Council. Staff is recommending that the anticipated savings be held in reserve for a potential COG program project and otherwise left aside for carryover as part of the 2002 Budget.

Staff has had discussions with incoming City Manager Brent McFall, regarding this proposed reallocation of resources in the City Manager's Office and Mr. McFall does support the proposed changes.

Respectfully submitted,

William M. Christopher
City Manager

Attachment

RESOLUTION

RESOLUTION NO. **28**

INTRODUCED BY COUNCILLORS

SERIES OF 2001

CITY MANAGER'S OFFICE STAFFING

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

WHEREAS, the budget including the staffing summary for the 2001 year were adopted by City Council by Resolution No. 78, Series of 2000; and

WHEREAS, the City Council is reallocating personnel to assist with the management of the Community Oriented Governance (COG) Program;

NOW, THEREFORE, be it resolved that the Westminster City Council hereby authorize the staffing summary for the 2001 year be amended by modifying the position allocation with the addition of the position listed below:

<u>Job Code</u>	<u>FTE</u>	<u>Position</u>	<u>2001 Authorized Range</u>
7124	0.8	Neighborhood Outreach Coordinator	\$41,250-\$48,250

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

Passed and adopted this 14th day of May, 2001.

ATTEST:

Mayor

City Clerk



WESTMINSTER COLORADO

Agenda Memorandum

Date: May 14, 2001

Subject: Resolution No. 30 re Determination on Mayor Pro Tem Dixon's Travel Expenses

Prepared by: Bill Christopher, City Manager

Introduction

City Council is requested to consider whether or not the facts warrant City Council triggering City Charter Section 5.1 provision pertaining to a member of Council being in default of his or her obligations. This matter stems from the delinquent travel expense reports dating back to May 23, 2000 through Ms. Dixon's most recent trip of March, 2001.

Summary

Section 5.1 of the Westminster City Charter addresses the situation when a member of City Council is believed to be in default of his or her obligations. The language is as follows:

“No person shall be eligible for any elective or appointive City office who is in default to the City or to any other governmental unit of the State. The holding of office by any person who is in such default shall create a vacancy unless such default shall be eliminated within thirty (30) days after written notice thereof by the Council or unless such person shall in good faith be contesting the liability for such default.”

While the Charter does not define the word “default,” the common definition found in Webster's New World Dictionary is, “failure to do something or be somewhere when required or expected; failure to pay money due.” If City Council determines that Ms. Dixon is in default, the City Charter requires that City Council provide a 30 day period of time for the Councilmember in default to correct the subject deficiency. In the alternative, the City Charter provides the person with the alleged default to put forth evidence that he or she believes would resolve the alleged default.

The Finance Department staff has completed a review of the Mayor Pro Tem's travel expense reports that were handed in at the May 7th Study Session. Staff found that of the nine trip reports submitted that six of them are found to be complete and three are found to be incomplete. When calculating the amount of funds due Mayor Pro Tem Dixon along with the expenses that have been paid by the City but not yet documented by Ms. Dixon with receipts, a net deficiency of 643.03 is noted. In staff's opinion, this amount is outstanding and is overdue the City of Westminster by Ms. Dixon.

Staff has prepared a Resolution that would declare that Ms. Dixon is in default of her City obligations at this time in the amount of \$643.03 which in turn would trigger a 30 day period of time for Ms. Dixon to correct these deficiencies or come forth with sufficient documentation to mitigate or resolve the amount owed.

Policy Issue

City Council should determine whether or not Mayor Pro Tem Sam Dixon is in default at this point in time based on the facts presented under the provision of Section 5.1 of the City Charter. If City Council does determine that a default currently exists, a 30 day time period will ensue allowing Ms. Dixon to correct the deficiencies.

Staff Recommendation

Adopt Resolution No. 30 which concludes that Mayor Pro Tem Dixon is currently in default of her obligations to the City of Westminster and provides a 30 day period of time in which to correct the outstanding dollar amounts pertaining to her City travel over the past 12 months.

Alternatives

- City Council could determine that such default does not exist at this time which in turn would end the issue that arose a few weeks ago with Ms. Dixon's delinquent travel expense reports. Staff does not believe this would be an appropriate conclusion to reach in light of the facts contained in Internal Auditor Karen Creager's May 9th memorandum to City Manager Bill Christopher.
- City Council could decide to not take action on this matter at this time. However, staff does not see any justification to delay bringing this matter to a conclusion. Mayor Pro Tem Dixon has submitted her reports and represents that these reports contain all the documentation that she has. Furthermore, this matter warrants timely action and should be pursued as quickly as possible so that further consternation and disruption are not realized and that this matter can be resolved or concluded as quickly as possible in light of the scheduled arrival of new City Manager Brent McFall.

Background Information

City Council has discussed the matter of Mayor Pro Tem Dixon's travel expense reports at two recent Study Sessions. City Staff previously provided a summary of the trips in question dating back to May 23, 2000 which included three trips where the Department of Energy (DOE) would reimburse the City for front ending Ms. Dixon's expenses if proper documentation would be submitted to DOE. At the May 7th Study Session, Ms. Dixon submitted all of her travel expense reports that were outstanding which covers nine different trips during the subject period of time from May 23, 2000 through March 13, 2001.

City Council directed the City Manager to have appropriate City Staff review the travel expense reports that Ms. Dixon provided. Karen Creager, Internal Auditor in the Finance Department, has completed a review of the document submitted including monthly City credit card invoices from Wells Fargo Bank. She has provided a summary of her findings involving the nine trips in her memorandum dated May 9th addressed to City Manager Bill Christopher.

Ms. Creager found that Mayor Pro Tem Dixon owes the City reimbursement on some of the trips while on three of the reports the City owes Ms. Dixon reimbursement. When adding up the dollar amounts of the three trip reports where the City owes Ms. Dixon and compares that total amount to the total of expenditures already paid by the City on the three trips where the reports are deemed to be incomplete due to the lack of proper receipt documentation, the net amount is calculated to be \$643.03 which Ms. Dixon owes the City of Westminster at this time. If Ms. Dixon can produce some or all of the receipts noted in the three incomplete trip reports involving her October 2-7, 2000 trip, December 5-10, 2000 trip and her February 5-7, 2001 trip then part or all of this obligation or default would be adjusted accordingly.

Staff has prepared a Resolution that is contemplated in Section 5.1 of the City Charter where a Council member is deemed to be in default to the City government. Adoption of this Resolution would provide Ms. Dixon with 30 days in which to resolve the matter or lose her City Council seat.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

RESOLUTION

RESOLUTION NO. **30**

INTRODUCED BY COUNCILLORS

SERIES OF 2001

CITY COUNCIL DETERMINATION ON MAYOR PRO TEM DIXION'S TRAVEL EXPENSE REPORTS

WHEREAS, Mayor Pro Tem Sam Dixon has traveled on behalf of the City on nine different occasions since May 23, 2000, and the City Council policy requires the timely submittals of the travel expense reports within two weeks upon returning from each trip; and

WHEREAS, Mayor Pro Tem Dixon submitted her remaining delinquent travel expense reports at the May 7th Study Session and the Mayor directed the City Manager to have appropriate staff review the travel expense reports to determine compliance; and

WHEREAS, the Finance Department staff has completed its review and found that six of the reports were complete with appropriate documentation while three of the reports were deemed to be incomplete because of the lack of receipts to document the expenses shown on the individual reports; and

WHEREAS, the Finance Department staff has determined on each report whether Mayor Pro Tem Dixon is owed a reimbursement from the City or whether Ms. Dixon owes the City for undocumented expenditures; and

WHEREAS, the net affect on the balances from each of the nine expenditure reports results in a net amount owed to the City by the Mayor Pro Tem in the amount of \$643.03; and

WHEREAS, it is the City Council's determination that Ms. Dixon is in default of her obligations and therefore Section 5.1 of the Westminster City Charter is to be initiated.

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

1. City Council finds that Mayor Pro Tem Dixon is in default of her travel expense obligations and that she is afforded 30 days from this date to resolve these deficiencies on the three outstanding travel expense reports by producing the required documentation in the form of receipts per City Council travel policy or by reimbursing the City for the undocumented expenses.
2. If after the 30 day period afforded under Section 5.1 of the Westminster City Charter, Mayor Pro Tem Dixon has not complied with the City Council's travel policy as determined by the City Council, her City Council position will be declared to be vacant.

Passed and adopted this 14th day of May 2001.

ATTEST:

Mayor

City Clerk

Summary of Proceedings

Summary of proceedings of the regular City of Westminster City Council meeting of Monday, May 14, 2001.

Present at roll call were Mayor Heil, Mayor Pro-Tem Dixon, Councillors Atchison, Hicks, Kauffman, and Merkel . Absent Councillor Moss.

The minutes of the April 23, 2001 and April 30, meetings were approved.

Mayor proclaimed May 15, 2001 as Small Business Day and presented proclamations to Anna Brooks, Brooks Electric and Chris Chavez, US Small Business Administration; proclaimed May 14-18, 2001 as Bill Christopher Week; proclaimed May 20-26, 2001 as Public Works Week.

Mayor recognized Youth Advisory Panel outgoing members; received the National Recreation and Parks Association Excellence in Aquatics Award; and recognized employees with 10, 15, 20 and 25 years of service.

Council approved the following: Design Contract for Quail Creek and Bull Canal Relocation with Felsburg Holt and Ullevig; Purchase of Commercial Size Water Meters from Mountain States Pipe & Supply for \$116,827; Metro Wastewater Reclamation District Board of Directors Reappointment; Street Sweeper from MacDonal Equipment for \$124,909; IGA with Adams County re HOME Investment Partnership Act Program funding from HUD; Community Oriented Governance (COG) Consolidation.

The following public hearing was held: Bruchez Farmhouse CLUP Amendment at 3640 West 112th Avenue.

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

A BILL FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN purpose: CLUP amendment for the Bruchez farmhouse from "Single-Family Attached" to "Office"

A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 2803, SERIES OF 2000, WHICH CREATED THE CITY OF WESTMINSTER 136th AVENUE GENERAL IMPROVEMENT DISTRICT purpose: amended legal description for the district

A BILL FOR AN ORDINANCE AUTHORIZING THE SALE AND CONVEYANCE OF CERTAIN REAL PROPERTY OF THE CITY; AUTHORIZING THE EXECUTION AND DELIVERY BY THE CITY OF A THIRD AMENDMENT TO A PREVIOUSLY EXECUTED AND AMENDED LEASE PURCHASE AGREEMENT, A CONTINUING DISCLOSURE UNDERTAKING, A WARRANTY DEED, AN OFFICIAL STATEMENT AND RELATED DOCUMENTS; RATIFYING ACTION PREVIOUSLY TAKEN CONCERNING THE REFERENCED DOCUMENTS; PROVIDING OTHER MATTERS RELATING THERETO; AND DECLARING AN EMERGENCY purpose: financing for Public Safety building

A BILL FOR AN ORDINANCE ESTABLISHING A STORMWATER MANAGEMENT PROGRAM; ESTABLISHING A STORMWATER SERVICE FEE; SETTING FORTH DEFINITIONS; PROVIDING FOR THE USE OF THE STORMWATER SERVICE FEE; PROVIDING FOR ADMINISTRATIVE AND JUDICIAL REVIEW; AND PROVIDING FOR ENFORCEMENT THEREOF purpose: establishing a Stormwater Management Program and stormwater fee

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

A BILL FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN

A BILL FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN

A BILL FOR AN ORDINANCE, AMENDING THE ZONING LAW AND ESTABLISHING THE ZONING CLASSIFICATION OF CERTAIN DESCRIBED PROPERTY LOCATED IN SECTION 6, TOWNSHIP 2 SOUTH, RANGE 68 WEST, 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO

A BILL FOR AN ORDINANCE INCREASING THE 2001 BUDGET OF THE GENERAL CAPITAL IMPROVEMENT PROJECT FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2001 ESTIMATED REVENUES IN THE FUND

A BILL FOR AN ORDINANCE INCREASING THE 2000 BUDGET OF THE GENERAL FUND AND THE GENERAL CAPITAL IMPROVEMENT PROJECT FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2000 ESTIMATED REVENUES IN THE FUNDS

The following Resolutions were adopted:

Resolution No. 27 Accepted resignation of Personnel Board member

Resolution No. 28 .8 FTE Neighborhood Outreach Coordinator position

Resolution No. 29 Storm water Management

Resolution No. 30 Mayor Pro Tem Dixon's Default to the City

At 8:57 P.M. the meeting was adjourned.

By order of the Westminster City Council

Michele Kelley, CMC, City Clerk

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