

June 9, 1997  
7:00 PM

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

1. **Pledge of Allegiance**
2. **Roll Call**
3. **Consideration of Minutes of Preceding Meeting**
4. **Presentations**
  - A. Presentation to Dave Cantu for 25 Years of Service
  - B. Presentation to Alex Iacovetta for 25 Years of Service
5. **Citizen Communication (5 minutes or Less in Length)**
6. **Report of City Officials**
  - A. City Manager's Report
7. **City Council Comments**

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

8. **Consent Agenda**
  - A. Community Gateway Projects
  - B. CB No. 31 re Appropriation of Carryover Funds (Harris-Merkel)
  - C. CB W&WW Enterprise Bill No. 3 re Loan Agreement (Dixion-Allen)
9. **Appointments and Resignations**
  - A. Metro Wastewater Reclamation District Board Reappointment
  - B. Resolution No. 33 re Environmental Advisory Board
10. **Public Hearings and Other New Business**
  - A. TABLED Resolution No. 30 re ADCO Open Space & Park Land Tax Proposal
  - B. Public Meeting on 1998 City Budget
  - C. Public Hearing re Center Greenhouse Rezoning
  - D. Councillor's Bill No. 32 re Center Greenhouse PUD Rezoning
  - E. PDP/ODP for Lake Arbor Industrial Park Filing #1
  - F. Councillor's Bill No. 33 re Comprehensive Land Use Plan
  - G. 88th Avenue Improvements Construction Contract
  - H. Resolution No. 34 re NorthPark Plaza Shopping Center Service Commitments
  - I. Councillor's Bill No. 34 re Rental Income
  - J. Revised IGA for I-25 Interchange Study
  - K. Resolution No. 35 re 1997 Recovery Contract Interest Rates
  - L. Councillor's Bill No. 35 re Big Dry Creek Trail Grant Reimbursement
  - M. Modular Furniture Purchase for Community Development
11. **Old Business and Passage of Ordinances on Second Reading**

None
12. **Citizen Presentations (5 Minutes + in Length) & Miscellaneous Business**
  - A. Crown Pointe Academy Presentation
  - B. City Council
  - C. Request for Executive Session
    1. Business Assistance Package re Dynamic Data

### **13. Adjournment**

CITY OF WESTMINSTER, COLORADO  
MINUTES OF THE CITY COUNCIL MEETING  
HELD ON MONDAY, JUNE 9, 1997 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE:

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

ROLL CALL:

Present at roll call were Mayor Heil and Councillors Allen, Harris, Merkel, Scott and Smith. Also present were Alan Miller, Assistant City Manager; Martin McCullough, City Attorney; and Michele Kelley, City Clerk. Absent was Mayor Pro Tem Dixon.

CONSIDERATION OF MINUTES:

A motion was made by Allen and seconded by Harris to accept the minutes of the meeting of May 19, 1997 with no additions or corrections. The motion carried unanimously.

PRESENTATIONS:

Mayor Heil presented a \$2,500 check to Dave Cantu, Street Operations Division Foreman and Alex Iacovetta, Utilities Operations Manager, in recognition of their 25 years of service to the City.

CITIZEN COMMUNICATION:

Terry TenEyck, 10885 Buena Vista Dr, addressed Council regarding the Comprehensive Land Use Plan.

Carl Tessler, Attorney representing Front Range Commercial Partners, entered a letter into the record addressing two new issues concerning the City's Comprehensive Land Use Plan, which he had submitted to the City Staff on June 9th.

Pat Duffy-Schmuck, 5707 W. 115th Ct, addressed Council requesting a sidewalk along 118th Place to Sheridan Boulevard in Torrey Peaks to access the new Albertsons store. The Mayor advised her that this item should be brought up during the 1998 Budget meeting that will be held later on the agenda.

CONSENT AGENDA:

The following items were considered as part of the consent agenda: Community Gateway Project, award of construction contract to Randall and Blake Inc, in the amount of \$71,500, authorize project budget of \$88,800 and charge expense to the appropriate project account in the 1997 General Capital Improvement Project fund; Councillor's Bill No. 31 re Appropriation of Carryover Funds; and Concillor's W&WW Enterprise Bill No. 3 re Loan Agreement. The Mayor asked if there was any member of Council or anyone from the audience who would like to have any of the consent agenda items removed for discussion purposes or separate vote. There was no request.

A motion was made by Harris and seconded by Scott to adopt the Consent Agenda items as presented. The motion carried unanimously.

APPOINTMENTS AND RESIGNATIONS:

A motion was made by Scott and seconded by Harris to reappoint Allen Jones to the Metro Wastewater Reclamation District's Board of Directors, with the term of office to be July 1, 1997 through June 30, 1999. The motion carried unanimously.

A motion was made by Merkel and seconded by Allen to adopt Resolution No. 33 accepting the resignations of Ali Joseph and Denise Vilani from the Environmental Advisory Board and appointing Gregory Colores with term of office to expire December 31, 1998 and James Franks with term of office to expire December 31, 1997 to the Environmental Advisory Board. Upon roll call vote, the motion carried unanimously.

TABLED RESOLUTION NO. 30 - ADCO PARKS AND OPEN SPACE TAX PROPOSAL:

A motion was made by Allen and seconded by Merkel to remove Resolution No. 30 from the Table. The motion carried unanimously.

A motion was made by Allen and seconded by Merkel to adopt Resolution No. 30 which formally states the City of Westminster's support for an Adams County Parks and Open Space Sales and Use Tax, which includes modifications by the Westminster City Council. Upon roll call vote, the motion carried with 5 aye votes and a dissenting vote by Scott.

PUBLIC MEETING ON 1998 CITY BUDGET:

Pat Duffy-Schmuck, 5707 W. 115th Ct, addressed Council requesting a sidewalk along 118th Place to Sheridan Boulevard in Torrey Peaks to access the new Albertsons store, and repairs to the open space area and pathway north of Ryan Elementary School that were washed out by the recent rains.

Candy Toller, 10980 Jay St., Sheridan Green/Ryan Elementary COG representative, submitted survey results regarding putting a rollerblade/hockey area in their neighborhood. Steve Oshell, 11314 Kendall Street, presented a petition, survey and comments to Council in opposition to the rollerblade/hockey request.

PUBLIC HEARING RE CENTER GREENHOUSE PROPERTY REZONING/PDP/ODP:

At 7:35 P.M. the meeting was opened to a public hearing regarding the proposed rezoning of the Lake Arbor Industrial Park Filing 1 (Center Greenhouse property) to PUD and the Preliminary and Official Development Plan for this property, located at 9051 Harlan Street. Planning Manager Larry Hulse entered a copy of the Planning Commission recommendation, Agenda Memorandum, and other related items as Exhibits. The applicant and property owner Paul Yantorno was present to address Council. No one spoke in opposition. At 7:45 P.M. the public hearing was declared closed.

COUNCILLOR'S BILL NO. 32 - CENTER GREENHOUSE PROPERTY REZONING:

A motion was made by Scott and seconded by Merkel to pass Councillor's Bill No. 32 on first reading rezoning the Lake Arbor Industrial Park Filing 1 from M-1, Industrial to Planned Unit Development. Upon roll call vote, the motion carried unanimously.

LAKE ARBOR INDUSTRIAL PARK FILING 1 PDP/ODP:

A motion was made by Scott and seconded by Merkel to approve the Preliminary and Official Development Plan for Lake Arbor Industrial Park Filing 1 based on a finding that the Preliminary and Official Development Plan meets the requirements of sections 11-2-2, 11-2-3, 12-2-2, and 12-8-7 of the Westminster Municipal Code. The motion carried unanimously.

COUNCILLOR'S BILL NO. 33 - COMPREHENSIVE LAND USE PLAN:

A motion was made by Merkel and seconded by Smith to pass Councillor's Bill No. 33 on first reading which adopts the Comprehensive Land Use Plan for the City of Westminster.

A motion was made by Harris to amend the main motion to amend Section 3 of the ordinance to reflect the exhibits attached. The motion failed for lack of a second.

A motion was made by Smith and seconded by Scott to amend the ordinance that amendments of the Westminster Comprehensive Land Use Plan shall require a minimum of 5 affirmative votes by the City Council. Upon adoption of the Comprehensive Land Use Plan, this Council will further direct Staff to draft and have placed upon the November 1997 ballot, a similar requirement of a "super majority" of 5 affirmative votes to amend the Comprehensive Land Use Plan as a Charter amendment. Upon vote on the amendment, the motion failed with dissenting votes from Allen, Harris, Heil, Merkel and Scott.

Sharon Widener, Assistant City Attorney gave a summary of the procedures for amendments to the Comprehensive Land Use Plan.

Upon roll call vote, the motion carried unanimously.

88TH AVENUE IMPROVEMENT CONSTRUCTION BID:

A motion was made by Merkel and seconded by Harris to authorize the City Manager to sign a contract with New Design Construction Company in the amount of \$1,296,643 for the construction of 88th Avenue between Sheridan Boulevard and Harlan Street; authorize the expenditure of \$61,981 for the purchase of traffic signal equipment relating to this project; authorize the City Manager to sign a construction engineering services agreement with HDR Engineering, Inc. in an amount not to exceed \$124,640; authorize a construction contingency of \$50,000; and charge the expense to the appropriate project account in the General Capital Improvement Fund. Mr. Brad Kittleson requested that Council delay action on this item until his attorney arrives which should be at any moment.

A motion was made by Smith and seconded by Allen to table action on this item. The motion carried unanimously.

RESOLUTION NO. 34 - NORTH PARK PLAZA SERVICE COMMITMENTS:

A motion was made by Allen and seconded by Scott to adopt Resolution No. 34 awarding 99.8 Category "C" service commitments for the NorthPark Plaza Shopping Center. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 34 - RENTAL INCOME APPROPRIATION:

A motion was made by Harris and seconded by Smith to pass Councillor's Bill No. 34 on first reading appropriating \$4,883 to the 88th Avenue Bottleneck Project and authorizing necessary expenditures to complete project activities. Upon roll call vote, the motion carried unanimously.

REVISED INTERGOVERNMENTAL AGREEMENT FOR I-25 INTERCHANGE STUDY:

A motion was made by Allen and seconded by Merkel to approve the revised Intergovernmental Agreement with the cities of Thornton and Broomfield which defines the process and funding responsibilities for a detailed evaluation of possible interchange locations north of 120th Avenue on I-25. The motion carried unanimously.

RESOLUTION NO. 35 - 1997 RECOVERY CONTRACT INTEREST RATES:

A motion was made by Scott and seconded by Merkel to adopt Resolution No. 35 establishing the 1997 calendar year interest rate for non-City funded public improvement recovery contracts at 10.3 percent and an interest rate of 5.7 percent for City-funded public improvements. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 35 - BIG DRY CREEK TRAIL GRANT APPROPRIATION:

A motion was made by Harris and seconded by Allen to pass Councillor's Bill No. 35 on first reading appropriating \$45,000 into into the Trail Development account in the General Capital Improvement Fund. Upon roll call vote, the motion carried unanimously.

MODULAR FURNITURE PURCHASE FOR COMMUNITY DEVELOPMENT:

A motion was made by Allen and seconded by Merkel to authorize the City Manager to purchase Haworth modular office furniture components from Facilitek Office Furniture Systems in the amount of approximately \$60,000 and charge the expense to the Department of Community Development budget. The motion carried unanimously.

MISCELLANEOUS BUSINESS:

Ms. Kay May, President of the Academy Council, introduced the newly appointed Director of the Crown Pointe Academy School, B. J. Bookman; and Architect Chuc Duff, and Mark Jelinske, Chairperson of the Academy Building Committee gave Council an update on the plans for the Charter School.

88TH AVENUE IMPROVEMENT CONSTRUCTION BID:

A motion was made by Smith and seconded by Scott to remove this item from the Table. The motion carried unanimously.

A motion was made by Smith and seconded by Merkel to authorize the City Manager to sign a contract with New Design Construction Company in the amount of \$1,296,643 for the construction of 88th Avenue between Sheridan Boulevard and Harlan Street; authorize the expenditure of \$61,981 for the purchase of traffic signal equipment relating to this project; authorize the City Manager to sign a construction engineering services agreement with HDR Engineering, Inc. in an amount not to exceed \$124,640; authorize a construction contingency of \$50,000; and charge the expense to the appropriate project account in the General Capital Improvement Fund.

Mr. Brad Kittleson, owner of the shopping center at the southwest corner of 88th Avenue and Sheridan Boulevard, and his attorney, Ed Hallickman, addressed Council with concerns and requested the City do a further study for right in traffic on Benton Street. City Engineer Dave Downing was present to address Council.

A motion was made by Heil and seconded by Merkel to Table this item until June 16 and call a Special Council meeting for 7:00 P.M. on June 16, 1997. The motion carried unanimously.

Mayor Heil stated there would be an Executive Session regarding a Business Assistance Package for Dynamic Data.

ADJOURNMENT:

The meeting was adjourned at 9:30 P.M.

ATTEST:

\_\_\_\_\_  
Mayor

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

**Date:** June 9, 1997

**Subject:** Presentation to Dave Cantu for 25 Years of Service

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

### **Introduction**

City Council action is requested to present a \$2,500 check to Public Works and Utilities, Street Operations Division, Street Foreman Dave Cantu, in recognition of his 25 years of service to the City of Westminster. Funds have been specifically allocated in the 1997 Utility Fund Budget for this expense.

### **Summary**

Dave Cantu began his career in Westminster on June 1, 1972, when he was hired as a Seasonal Labor for the Street Division at the age of 18. The purpose of this agenda memorandum is to recognize his 25 years of outstanding service to the City of Westminster.

### **Staff Recommendation**

Mayor present a \$2,500 check to Dave Cantu, Street Operations Division Foreman, for his 25 years of service to the City of Westminster.

### **Background Information**

On June 1, 1972, Dave Cantu was employed as a Seasonal Laborer with the Street Division of the Department of Public Works and Utilities. He was reclassified to full-time Maintenanceworker I on January 1, 1973. On January 15, 1974, he was elevated to an Equipment Operator I and was again promoted on March 1, 1977, to Lead Sweeper Operator. On May 10, 1977, he was promoted to the position he presently holds as Street Division Foreman. He has been instrumental in setting up the Adopt-a-Street Program and has managed it since its inception. In addition, he takes on an active role in overseeing the displays and activities associated with the American Public Works Week.

During his 25-year career with the City, Dave Cantu has been an asset to the City for his hard and dedicated work. He has matured in his self improvement by keeping pace with the growth of the City and by taking advantage of numerous training courses. He is just another example of the high caliber of employees that we have in this organization.

In addition to his supervisory duties, Dave has been involved in a variety activities:

- \* Member of the Colorado and National Chapters of the American Public Works Association.
- \* Board Member of the Hyland Hills Hockey Association and is actively involved with various Association functions.
- \* Coaches Little League Baseball, including High School Legion Baseball.



In 1986, City Council passed a Resolution to award individuals who have given 25 years of service to the City with a \$2,500 check. Under the program, employees receive \$100 for each year of service, in the aggregate, following the anniversary of their 25th year of employment.

As stated in the Resolution, the program recognizes the dedicated service of those individuals who have spent most, if not all, of their career with the City.

Respectfully submitted,

William M. Christopher  
City Manager

**Date:** June 9, 1997

**Subject:** Presentation to Alex Iacovetta for 25 Years of Service

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

### **Introduction**

City Council action is requested to present a \$2,500 check to Department of Public Works and Utilities, Utilities Operations Manager Alex Iacovetta, in recognition of his 25 years of service to the City of Westminster. Funds have been specifically allocated in the 1997 Utility Fund Budget for this expense.

### **Summary**

Alex Iacovetta began his career in Westminster on June 5, 1972, when he became employed as a Maintenance Worker in the Public Works and Utilities Department, Utilities Division. The purpose of this agenda memorandum is to recognize his 25 years of outstanding service to the City of Westminster.

### **Staff Recommendation**

Mayor present a check in the amount of \$2500 to Alex Iacovetta, Utilities Operations Manager, for his 25 years of service to the City of Westminster.

### **Background Information**

In June 5, 1972, Alex Iacovetta became employed as a Maintenance Worker I in the Utilities Wastewater Field Operations Division. He was promoted to the position of Equipment Operator I on March 15, 1973, then on January 16, 1975, he was promoted to Utility Foreman. He then went on to become the Utility Supervisor on January 27, 1978, and he was elevated to Utility Superintendent on April 10, 1981. This title was changed in a Department reorganization on February 3, 1986, to Utilities Operations Manager.

During his 25-year career with the City, Alex Iacovetta has overseen several water and wastewater utility capital improvement projects. These projects include the following: water and wastewater treatment plant expansions, water and wastewater field capital improvement projects, construction of new pump stations, and pump station upgrades. Alex has also researched and implemented the outsourcing of several programs including: the Big Dry Creek Water Reclamation Facility's Laboratory, Wastewater Collection System Improvements, Sewer Cleaning and Maintenance Program, Television Inspection, and Sewer Line Rehabilitation Program. Under Alex's management, the Utility Division implemented an in-house water and sewer line replacement crew. All of these cost effective ideas have been implemented with the best interests of the City and its citizens in mind.

Under Alex's leadership, the Utilities Division has received a variety of awards and recognition including:

- \* United States Environmental Protection Agency (EPA), Region VIII, National Second Place Award, Outstanding Wastewater Treatment Facility Operation and Maintenance, Medium Secondary Wastewater Treatment Category, 1992.

- \* US EPA, Region VIII, Excellence Award; Operation, Maintenance, and Management of Publicly Owned Treatment Works, 1992.
- \* Rocky Mountain Water Pollution Control Association, State of Colorado, Plant Maintenance Merit Award, Accomplishing Outstanding Results in Wastewater Plant Maintenance, 1986.
- \* Rocky Mountain Water Pollution Control Association, State of Colorado, Collection System Award for Accomplishing Outstanding Results in Wastewater Collection, 1979 and 1986.
- \* US EPA, Region VIII, Excellence Award, Beneficial Use of Sewage Sludge, 1989.
- \* American Water Works Association Award for Accomplishing Outstanding Results in Water Maintenance, 1983 and 1988.
- \* Other various Safety Awards for both water and wastewater field and plant operations.
- \* In 1992, Alex was elected American Public Works Association, Colorado Chapter, Region Manager of the Year.

In addition to his position at the City, Alex is involved in a variety of City and community activities:

- \* Member of the American Public Works Association, National Water Environment Federation, and American Water Works Association.
- \* Serves as a Community Oriented Governance Team Member for the Westminster Hills area.
- \* Representative for the City as Director of Metro Water Reclamation District, Board of Directors.
- \* Serves as City representative on the Kershaw and Allen Ditch Boards of Directors.
- \* Serves on the City's Economic Development Task Force.
- \* Coach of little league, baseball and football, for the past 20 years.
- \* Decorates his home for the Christmas season. Alex's display is highlighted each year in metro area newspapers.
- \* Collects sports memorabilia.

In 1986, City Council passed a Resolution to award individuals who have given 25 years of service to the City with a \$2,500 check. Under the program, employees receive \$100 for each year of service, in the aggregate, following the anniversary of their 25th year of employment.

As stated in the Resolution, the program recognizes the dedicated service of those individuals who have spent most, if not all, of their career with the City.

Respectfully submitted,

William M. Christopher, City Manager

**Date:** June 9, 1997  
**Subject:** Community Gateway Project  
**Prepared By:** Bob Lienemann, Open Space Coordinator

## **Introduction**

City Council action is requested to authorize award of a construction contract to Randall and Blake, Inc. in the amount of \$71,500, and to authorize the project budget to construct a new City "gateway" signwall at the U.S.36 and 104th Avenue/Church Ranch Boulevard interchange. Funds have been specifically allocated in the 1997 General Capital Improvement Project Fund for this expense.

## **Summary**

The proposed project is part of the City's Community Enhancement Program. The designated funding comes from an Accommodations Tax, and is intended to construct priority projects throughout Westminster which improve the physical appearance of the community.

The work includes a flagstone signwall with "WESTMINSTER" in backlit raised letters at the interchange of U.S.36 with 104th Avenue/Church Ranch Boulevard. The new signwall will be on the northwest corner, for southeast-bound traffic on U.S.36, and will match the wall at the U.S.36 and Sheridan Boulevard exit. A footing was constructed for this signwall in 1995, along with the interchange landscaping.

The City had wished to complete the signwall at that time, but the Colorado Department of Transportation's (CDOT's) policy allowed only two entry signs for Westminster along all of U.S.36 through the City. One signwall was constructed at the Sheridan Boulevard exit from U.S.36, and the second was planned for the Federal Boulevard interchange in the future.

CDOT has now relaxed their sign policy so that all three exits may be identified as important entrances to Westminster. With the development of Church Ranch Business Park, the AMC Theatres and the Promenade now underway, Staff recommends completing this signwall as originally intended.

This new signwall was originally combined in one bid package with completion of two similar signwalls, landscape and irrigation at 120th Avenue and Huron Street. The combined project was advertised for bid through the Daily Journal and Rocky Mountain Construction building trade newspapers, and plans were available through their Plan Rooms. Staff and consultants also contacted qualified firms which have constructed similar work for the City previously. Only one bidder, Randall and Blake, Inc., submitted a bid. Their bid of \$176,500 for both projects was considerably higher than the consultant's estimate of \$130,000.

After detailed evaluation, Randall and Blake, Inc. (RBI)'s partial bid of \$71,500 for the new signwall at U.S.36 represents a good bid, being very close to the consultant's estimate of \$70,000. RBI has agreed to honor that component of their overall bid, and to construct that part of the work for \$71,500.

Staff recommends award of this portion of the bid. This firm constructed the signwalls at U.S.36 and Sheridan Boulevard and at 104th Avenue and Federal Boulevard several years ago, has built several park and drainageway projects for the City previously, and is presently the contractor for the Little Dry Creek trail. Staff is confident from past performance that Randall and Blake, Inc. will construct a quality project if awarded this bid.

Staff and the consultant are attempting to negotiate a better bid for the 120th Avenue and Huron Street improvements, and will bring this second part of the work back to City Council for award in the near future, so that this work may also be completed this Summer.

A 10% budget contingency for the U.S.36 signwall work is recommended, since this work is within Colorado Department of Transportation (CDOT) right of way, and CDOT inspectors may request additional traffic control or other work based upon their visits to the project. The proposed project budget is as follows:

Construction Inspection/Testing (allow)	\$4,000
Construction by Contractor	\$71,500
Utilities - PSCo/Electric Supply	\$5,200
<u>Contingency @ 10%</u>	<u>\$8,100</u>
<b>TOTAL</b>	<b>\$88,800</b>

### **Alternatives**

City Council could accept the bid from Randall and Blake, Inc. and authorize the work to begin immediately. It is anticipated that all work will be completed this Summer, ahead of the opening of the new AMC Theatres. This is Staff's recommendation. City Council could reject the bid and not proceed with this work. City Council could reject the bid and rebid the project, which would likely discourage bidders and delay the work.

### **Staff Recommendation**

Award a construction contract to Randall and Blake, Inc. in the amount of \$71,500, and authorize the project budget of \$88,800, charging the expense to the appropriate project account in the 1997 General Capital Improvement Fund.

### **Background Information**

City Council established the Community Enhancement Program in 1993, with funding provided by an accommodations tax. The program is intended to improve the physical appearance of the City of Westminster at the most visible "gateways" and "travel corridors" throughout the community. These projects promote community pride, and also improve the City's competitive edge in attracting and maintaining businesses.

City Council established priorities for enhancements in early 1993, which included an emphasis on "gateways" at U.S.36 interchanges and at key locations around the community, arterial street median landscaping, new standard signage for City projects and facilities, and similar highly visible projects.

Respectfully submitted,

William M. Christopher  
City Manager  
Attachment

**Date:** June 9, 1997

**Subject:** Metro Wastewater Reclamation District Board  
Appointment

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

### **Introduction**

City Council action is requested by the Metro Wastewater Reclamation District, to make an appointment to the Board of Directors. Allen Jones is the City's current representative. His term of office will expire June 30, 1997.

### **Summary**

Allen Jones was originally appointed to the Board in June of 1991. Allen fills a "citizen" category appointment within this Board.

During calendar year 1995 the Board held 12 Board meetings and Allen attended 11 of the meetings. There also were 12 Committee Meetings held and Allen attended 11 of those meetings. During 1996 the Board held 13 Board meetings and Allen attended 12 of the meetings. There also were 12 Committee Meetings held and Allen attended 10 of those meetings. The City's other representative on this Board is Alex Iacovetta, who is a City Utilities staff person.

### **Staff Recommendation**

Reappoint Allen Jones to the Metro Wastewater Reclamation District's Board of Directors, with the term of office to be July 1, 1997, through June 30, 1999.

### **Background Information**

The Metro Wastewater Reclamation District Board 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.

All Board members must live within the Metro Wastewater Reclamation District boundaries.

Allen Jones has been contacted and is willing to continue serving on this Board should Council so desire.

Respectfully submitted,

William M. Christopher  
City Manager

**Date:** June 9, 1997  
**Subject:** Resolution No. re Environmental Advisory Board Appointments  
**Prepared by:** Michele Kelley, City Clerk

**Introduction**

City Council action is requested to adopt the attached Resolution which accepts the resignation of Ali Joseph and Denise Villan from the Environmental Advisory Board and to fill these vacancies from the current "pool" of applicants.

**Summary**

Ali Joseph has moved out of the Denver area and Denise Villani is resigning due to personal reasons.

The City Council earlier in 1997 completed interviews with the Board and Commission "pool" applicants that expressed interest in serving on all of the Boards. A copy of the matrix is also attached.

**Staff Recommendation:**

Adopt Resolution No. which accepts the resignations of Ali Joseph and Denise Vilani from the Environmental Advisory Board, and filling these vacancies on the Board.

**Background Information:**

Ali Joseph and Denise Villani were both appointed to the Environmental Advisory Board when then the was created in March of 1995.

Ali Joseph's current term of office will expire on December 31, 1997. Denise Villani's current term of office will expire on December 31, 1998.

Currently, the Environmental Advisory Board alternate is Steve Wagner who was appointed on March 6, 1995. Per City Code requirements, all alternate members terms expire on December 31, 1997.

A resolution has been prepared to formally accept the resignation of Ali Joseph and Denise Villani and to make the necessary appointments to the Environmental Advisory Board at this time.

Respectfully submitted,

William M. Christopher  
City Manager

Attachments

RESOLUTION

RESOLUTION NO.

INTRODUCED BY COUNCILLORS

SERIES OF 1997

\_\_\_\_\_

CITY OF WESTMINSTER ENVIRONMENTAL ADVISORY BOARD APPOINTMENTS

WHEREAS, City Council has been notified of the resignation of Ali Joseph and Denise Villani from the Environmental Advisory 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 by the City Council of the City of Westminster that:

1. City Council does hereby accept the resignation of Ali Joseph and Denise Villani from the Environmental Advisory Board; and

2. City Council does hereby appoint the following individuals to the City of Westminster Environmental Advisory Board with the term of office to expire as stated.

<u>NAME</u>	<u>BOARD/COMMISSION</u>	<u>TERM EXPIRE</u>
Gregory Colores	Environmental Advisory Board as Regular Member	12-31-97
James Franks	Environmental Advisory Board as Regular member	12-31-98

Passed and adopted this 9th day of June, 1997.

ATTEST:

\_\_\_\_\_  
Mayor

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



**Date:** June 9, 1997

**Subject:** TABLED Resolution No. 30 re Adams County Parks and Open Space Tax Proposal

**Prepared by:** Bill Christopher, City Manager

### **Introduction**

City Council action is requested to adopt a revised formal Resolution stating City Council's position on the citizen initiated Adams County Parks and Open Space Tax Proposal.

### **Summary**

A citizen-based group known as "Support Parks and Open Space (Adams County)" is pursuing support from Cities throughout Adams County pertaining to their proposed Parks and Open Space tax proposition. They intend to request the Adams County Commissioners place the ballot proposition on the November, 1997 ballot.

Key provisions of the citizen group tax proposal is outlined in the background section of this memorandum.

City Council discussed this proposition at the May 12 and June 2 Study Sessions as well as the May 19 City Council meeting. The Resolution was tabled to further review and conclude a position. Council directed Staff to prepare a revised Resolution in support of the ballot proposal with some modifications. The attached Resolution reflects the direction which City Council provided at the most recent Study Session.

### **Staff Recommendation**

1. Remove Resolution No. 30 from the table.
2. Adopt Resolution No. 30 which formally states the City of Westminster's support for an Adams County Parks and Open Space Sales and Use Tax, which includes modifications by the Westminster City Council.

### **Background Information**

Within the last year or so, a citizens group headed by Ms. Gloria Rudden has been discussing and pursuing a proposed Parks and Open Space tax in Adams County that would be imposed on a Countywide basis. The purpose of the tax would be to raise revenue earmarking the funds to be used for Open Space land acquisitions, trail development, park land acquisition, and limited park and recreation facility development (see attached list of proposed uses). Ms. Rudden and the citizens group have been requesting support from the cities throughout Adams County, with the intent of meeting with the Adams County Commissioners to seek their support in placing the tax proposition on the November, 1997 ballot. The key provisions of the proposal that the citizens group has put forth include the following:

- 1/6 of one-cent Sales and Use Tax using State base, i.e., not on grocery sales.
- A 15-year life, which would allow the opportunity to issue bonds.
- Expenditure summary once per year in a local newspaper.
- The tax revenue would be distributed based on point of sale.
- A 70% passive and 30% active use of the tax revenue would be imposed.
- A limit of 9% administrative cost would be imposed.
- An Advisory Committee on expending the funds would be required.

Attached is a listing of the amount of revenue for each entity, assuming using the 1/6 of one-cent taxing level. In Westminster's case, based on 1996 tax collections, \$367,422 would have been derived. For unincorporated Adams County, the amount would be \$1,022,747. The 1/6 cent tax revenue would be in addition to the City of Westminster's 1/4 of 1% City Sales and Use Tax that is split for Open Space acquisitions and trail, park, land development, and recreation facilities. Furthermore, Westminster enjoys revenue from the Jefferson County 1/2 cent Open Space tax which presently generates approximately \$900,000 to Westminster on an annual basis.

The proponents of this proposition believe that a dedicated revenue source is needed to acquire Open Space and park land as well as funding limited public improvements to achieve an enhanced quality of life for residents throughout Adams County. Preserving Open Space is a key priority, given the pressures of growth. The tax would be collected by the State of Colorado and then distributed based on the point of sale methodology.

City Council most recently discussed this request for support at Monday night's Study Session and indicated conditional support as follows:

- Implement the 1/6 cent Sales and Use Tax.
- Delete the 70%/30% expenditure mandate and allow each City to decide the best use of the earmarked revenue.
- Use point of sale as the methodology to distribute the revenue, but provide 10% of the cities' revenue to the County.
- Have the tax be in effect for a 15-year period.
- "DeBruce" the tax regarding Amendment 1 provisions.
- Encourage the Adams County Commissioners to put the proposition on the November, 1997 ballot.

Council believes that Adams County should receive an increased share of the new revenue, given the opportunities and demands to preserve Open Space. Three scenarios were developed which would provide an increased share of funds to the County. They are as follows:

<u>Scenario</u>	<u>1/6 Cent</u>	
A. Point of collection plus 10% of municipal tax collections	Adams County =	\$1,275,469 (36%)
	ADCO Cities =	<u>\$2,274,504 (64%)</u>
		<b>\$3,549,973</b>
B. Point of sale plus 20% of municipal tax collections	Adams County =	\$1,528,192 (43%)
	ADCO Cities =	<u>\$2,021,781 (57%)</u>
		<b>\$3,549,973</b>
C. Point of sale plus 33% of municipal tax collections	Adams County =	\$1,856,731 (52%)
	ADCO Cities =	<u>\$1,693,242 (48%)</u>
		<b>\$3,549,973</b>

Council indicated at the June 2 Study Session that Scenario "A" (formerly Scenario "B") best reflected their policy philosophy.

Respectfully submitted,

William M. Christopher  
City Manager

Attachments

RESOLUTION

RESOLUTION NO.

INTRODUCED BY COUNCILLORS

SERIES OF 1997

CITIZENS GROUP "SUPPORT PARKS AND OPEN SPACE (ADAMS COUNTY)"

WHEREAS, a citizens based group known as the "Support Parks and Open Space (Adams County)" is pursuing a 1/6 of one-cent Sales and Use Tax proposition earmarking tax revenue for Open Space acquisitions, park land acquisitions, and limited park and recreation facility development, and

WHEREAS, at the present time Adams County on a Countywide basis does not have an Open Space or Parks tax such as the Jefferson County 1/2 cent Open Space Tax and,

WHEREAS, the citizen based group believes there is a need and support for such a revenue stream to purchase land to be maintained as Open Space as well as acquiring land for parks and trails for the enhancement of the quality of life of citizens throughout Adams County, and

WHEREAS, the citizens group is requesting each City in Adams County to evaluate and comment on the proposal which would be tied to a 15-year life so that bonds could be issued, and

WHEREAS, the proposal calls for point of sale distribution of the 1/6 of one-cent Sales and Use Tax, with the tax to be collected by the State of Colorado and redistributed, and

WHEREAS, the Westminster City Council has reviewed the proposal and believes that it has merit subject to certain modifications.

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

1. The citizen based initiative has merit and the Adams County Commissioners should place the proposition on the November, 1997 ballot with certain modifications.
2. The proposal should be modified to delete the 70%/30% expenditure mandate and allow each City to decide the best use of the earmarked revenue, shift 10% of the revenue collected by the municipalities to the County, authorize the County Commissioners' discretion on where funds are expended, and have the tax proposal "DeBruced," per Amendment 1 provisions.
3. All Westminster voters are urged to become fully familiar with this initiative effort and evaluate the merits and demerits of such a Countywide tax.

Passed and adopted this 9th day of June, 1997.

ATTEST:

\_\_\_\_\_  
Mayor

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

**Date:** June 9, 1997

**Subject:** Public Meeting on 1998 City Budget

**Prepared by:** Alan Miller, Assistant City Manager

### **Introduction**

City Council is scheduled to hold a public meeting to receive initial public input on the 1998 City Budget at Monday night's City Council meeting.

### **Summary**

City Staff will be preparing budget information for both 1998 and 1999, but this initial meeting is intended to focus only on 1998 citizen requests, comments and suggestions. The public meeting is a more informal opportunity for the public to give input to the City Council on the City Budget.

Development and preparation of the City Budget will continue through the summer and will culminate in the distribution of the Proposed Budget to City Council in September. Public hearings are also scheduled for July 21 and September 8 so that citizens will have two more opportunities to comment and provide feedback on the 1998 City Budget. City Council must adopt the budget by the October 27 City Council meeting, in accordance with the City Charter.

### **Staff Recommendation**

Hold a public meeting on the 1998 City Budget and receive citizen comments.

### **Background Information**

In April, City Council identified focus areas to be pursued in 1998. The following is a prioritized list:

- > transportation improvements
- > diversity enhancements
- > review priorities, narrow the focus, and reallocate resources
- > further implementation of original Westminster enhancements
- > maintain a quality service level
- > comprehensive study on youth and young adult needs

The direction provided by City Council assists City Staff as they prepare and review the proposed 1998 City Budget. Other considerations that go into developing a comprehensive budget are department priorities that strive to maintain existing service levels, and citizen or neighborhood input.

The development of the City Budget will occur throughout the summer, and a Proposed Budget will be submitted to City Council on September 5 for their review. After reviewing the Proposed Budget for several weeks, City Council is scheduled to meet on September 29 at the Budget Retreat to deliberate on final funding decisions on staffing levels, programs, services, and capital projects.

Two formal public hearings will be held on the 1998 Proposed City Budget to solicit citizen input. The first public hearing is scheduled for Monday, July 21, and the second hearing is scheduled for Monday, September 8.

Respectfully submitted,

William M. Christopher  
City Manager

**Date:** June 9, 1997

**Subject:** Councillor's Bill No. re Center Greenhouse property Rezoning

**Prepared by:** Margo Schultz, Planner II

**Introduction:**

City Council is requested to hold a public hearing and take action on the attached Councillor's Bill rezoning the Lake Arbor Industrial Park Filing 1 (the former Center Greenhouse property) to Planned Unit Development (PUD) and approving the Preliminary and Official Development Plan for this property.

**Summary:**

Applicant/Property Owner: Paul Yantorno, Frank Yantorno

Location: 9051 Harlan Street (west side of Harlan Street across from the Westminster Mall)

Size of Site: 5.3 acres

Description of Proposed Uses: The applicants are requesting that the property be rezoned from M-1 to PUD (Planned Unit Development) in order to be allowed to lease the existing front (east) building on the property for a number of uses not currently approved in the M-1 zone district. The uses include certain retail uses, restaurant (no drive-thru), office uses and entertainment uses such as the "laser tag" indoor entertainment use which is currently proposed for the location in the south half of the front building. Staff is in support of the owner's proposed uses for the front building as a compliment to the Westminster Mall uses and a desirable continuation of the Harlan Street commercial uses.

The uses proposed for the rear (west) building are the same uses proposed for the front building, as well as retail and wholesale in conjunction with warehousing, light manufacturing and research and development. The uses proposed for the rear of the property would make good use of the large rear building site area and would form a logical transition between the retail uses along Harlan Street and the existing light industrial uses to the north, west, and southwest of the site. The uses are listed in detail on the Preliminary/Official Development Plan (PDP/ODP).

A note is included on the plan indicating that there shall be no off-site noise (not to exceed 65 decibels at the property line), vibration, smell or smoke stacks. The note also indicates that outside storage is prohibited and outside sales (such as lawn and garden accessories), will be limited to 5,000 square feet. The note indicates that outside sales be allowed only if reviewed and approved administratively by City Staff based on the location on the site, appropriate screening, unobtrusiveness to the public, and ability to accommodate without sacrificing the required number of parking spaces.

Uses shown on the PDP/ODP document with an asterisk after them are uses which would be allowed only subject to review and approval of an amendment to the Official Development Plan. For the front and rear buildings those uses include training and service centers, restaurants (no drive-thru), bowling alleys, movie theaters (not adult), health and fitness clubs, technical equipment sales and service, photography and processing studios, schools (charter, public and vocational), and daycare facilities.

For the rear building those uses include light manufacturing and assembly uses, professional, scientific and control instrument manufacturing uses, and apparel and accessory manufacturing and sales uses. A note is included on the ODP drawing indicating that uses shown with an asterisk are subject to Administrative ODP Amendment outlining the specifics of the use and demonstrating acceptable hours of operation, acceptable traffic flow both within the site and off-site, compatibility with surrounding land uses, as well as a revised site plan outlining details such as sufficient parking, etc.

**Major Issues:**

There are currently two tenants who wish to occupy the front building. As proposed, a furniture store with approximately 75% new and 25% used furniture would occupy the north half of the front building, and a laser tag children's entertainment center would occupy the south half of the front building.

The proposed laser tag business would be a franchise of the "Laser Storm" business. The proposed future business owner/manager currently owns and operates the Boulder store. The average age of the children using the facilities is between 9 and 14 years old.

At the request of the Community Development Department, the Westminster Police Department conducted a background check on the "Laser Storm" businesses in general and reported no significant police related incidents. The Westminster Police memo sent to the Planning Staff indicates that the Laser Storm business could have the potential to fit into the Westminster community if stipulations and concerns about potential loitering and misconduct by teenagers were addressed up front with the owner/operator. The memo indicates that the other Laser Storm businesses throughout the Denver area were found to be excellent businesses with very few problems or complaints.

In response to the City Staff's concerns about potential loitering and misconduct by teenagers, a note has been placed on the PDP/ODP document limiting the hours of operation for this business to close before midnight, and requiring that a security guard be posted on site on Friday and Saturday nights.

**Planning Commission Recommendation:**

Planning Commission voted unanimously to make a recommendation to City Council to approve the rezoning, Preliminary and Official Development Plan for Filing 1 of Lake Arbor Industrial Park with the following condition:

A security guard should be on site on Friday and Saturday nights for an indefinite period of time, and the business owner should review the status of the guard with the Westminster Police Department every six months to be sure they are working together.



The applicant does not object to this condition. The condition will be forwarded to the Special Permit and Licensing Board for discussion during their review of the proposed business and ordinance governing security for this type of business.

**Staff Recommendation:**

1. Hold a public hearing.
2. Pass Councillor's Bill No. on first reading rezoning the Lake Arbor Industrial Park Filing 1 from M-1, industrial to Planned Unit Development.
3. Approve the Preliminary and Official Development Plan for Lake Arbor Industrial Park Filing 1 based on a finding that the Preliminary and Official Development Plan meets the requirements of sections 11-2-2, 11-2-3, 12-2-2, and 12-8-7 of the Westminster Municipal Code.

**Background Information:**

Discussion of Major Issues

The applicants, who are the owners of the property, were also the previous owners/managers of the Center Greenhouse business which occupied the front building until approximately a year ago. Having made a decision to discontinue the business, the owners are now seeking to upgrade the two existing buildings and attract primarily retail uses for the front building and retail and wholesale uses in conjunction with warehousing for the rear building.

The front building would be divided in half by a demising wall, and would be renovated to include new entrances and glass and aluminum storefront windows on the north and east sides as well as a new stucco facia for those sides. The proposed changes would be a great improvement over the existing building which has metal siding. The proposed building design would be more in keeping with the appearance of the commercial buildings to the south and across the street at the mall.

During the first phase of development, the rear building which is currently vacant, would remain unchanged. As is indicated on the PDP/ODP document, the rear building would be demolished and reconstructed (while retaining the existing steel frame) during the second phase of development. Prior to any phase two construction, an Amended Official Development Plan will be submitted for review by the City.

There are a number of Laser Storm businesses in the Denver-Metro area including stores in Thornton (Biggs Shopping Center) and Boulder (Table Mesa Shopping Center). The owner/manager of the proposed Laser Storm business estimates that a maximum of 150 people will patronize the business at any one time, contingent on approval of the Building and Fire Departments after reviewing the detailed construction drawings. The average age of the players has historically been between the ages of 9 and 14 years old. The Westminster Municipal Code requires that any minor under the age of 17 be accompanied by an adult with legal authority over them, if they are away from home beyond the hours of 10:00 p.m. on weekdays, and 12:00 p.m. on Friday and Saturday nights.

A permit will be required from the City's Special Permit and License Board for the 3 pinball and 15 video game machines the business owner is proposing, as well as for the Laser Tag game itself. Should the applicant wish to increase the number of pinball and video machines or revise the Laser Tag game substantially, a revised application would need to be made to the Special Permit and Licensing Board.

#### Architectural/Building Materials

The existing front building is currently metal siding with split faced block corners. The owners are proposing to renovate both the east and north elevations to consist of a predominantly glass panel store front with a light tan stucco fascia. A new 10' wide landscape area will also be added abutting the front building on the east and north sides, and 5 new shade trees will be added along Harlan Street in addition to the landscaping which was already significantly upgraded for the opening of the Center Greenhouse building. Details for the reconstruction of the rear building will be submitted as part of an Amendment to the Official Development Plan.

#### Access and Circulation

Access to the property will be via the two existing entrances off of Harlan Street. Parking for the businesses proposed for the front building exceeds the required number of parking spaces by 20 spaces. A large existing asphalt parking lot exists at the rear of the property should it ever be necessary to accommodate overflow parking or add additional parking for a future parking scheme.

#### Signage

As indicated on the PDP/ODP document the wall signage on the front building will consist of individually raised letters and will be coordinated between the tenants to achieve a complimentary overall design appearance.

#### Service Commitment Category

Service commitments will not change for the front building. Service commitments for the rear building may need to be adjusted when an Amended ODP is submitted for development of the rear building.

#### Surrounding Zoning

North and West of the property: PUD - Lake Arbor, with light industrial, office and storage warehousing uses.

South of the property: South of the rear building is PUD - Lake Arbor property with mini-warehousing to be expanded. South of the front building is Harlan Commercial Center zoned C-1.

East of the property: Harlan Street and the Westminster Mall

Respectfully submitted,

William M. Christopher  
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO.

SERIES OF 1997

INTRODUCED BY COUNCILLORS

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A BILL

FOR AN ORDINANCE AMENDING THE ZONING LAW AND ESTABLISHING THE ZONING CLASSIFICATION OF CERTAIN DESCRIBED PROPERTY IN A PART OF THE SOUTHWEST ONE-QUARTER OF SECTION 24, TOWNSHIP 2 SOUTH, RANGE 69 WEST OF THE 6TH P.M. COUNTY OF JEFFERSON, CITY OF WESTMINSTER, STATE OF COLORADO.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

a. That an application for the zoning of the property described below from Westminster M-1, industrial to City of Westminster PUD - Planned Unit Development zoning has been submitted to the City for its approval pursuant to Westminster Municipal Code section 11-2-1.

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

c. That based on the evidence produced at the public hearing, the City Council finds that the proposed zoning complies with all requirements of City Code, including, but not limited to, the provisions of Westminster Municipal Code sections 11-2-1, 12-2-1, 12-2-2, and 12-8-7.

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

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

Section 2. The Zoning District Map of the City is hereby amended by reclassification of the property described herein hereto from Westminster M-1, industrial to City of Westminster PUD--Planned Unit Development:

Lake Arbor Industrial Park, Filing No. 1, a part of the southwest one-quarter of Section 24, Township 2 south, Range 69 west of the sixth principal meridian, City of Westminster, County of Jefferson, State of Colorado more particularly described as follows:

Commencing at the south one-quarter corner of said Section 24; Thence N89°08'58"W and along the south line of said southwest one-quarter and along the centerline of West 88th Avenue a distance of 413.85 feet Thence N0°51'02"E a distance of 1146.10 feet to a point on the west right-of-way line at Harlan Street, said point being the True Point of Beginning; Thence N89°08'58"W, a distance of 740.00 feet; Thence N0°51'02"E, a distance of 310.00 feet; Thence S89°08'58"E, a distance of 740.00 feet to a point on said west right-of-way line of Harlan Street; Thence S0°51'02"W and along said west right-of-way line, a distance of 310.00 feet to the point of beginning. Containing 5.266 acres more or less.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 9th day of June, 1997.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this      day of June, 1997.

ATTEST:

\_\_\_\_\_

Mayor

\_\_\_\_\_

City Clerk

Lake Arbor Industrial Park Filing 1

**Date:** June 9, 1997

**Subject:** Councillor's Bill No. 33 re Comprehensive Land Use Plan

**Prepared by:** Max Ruppeck, Planner III

### **Introduction**

City Council is requested to pass the attached Councillor's Bill on first reading adopting the Comprehensive Land Use Plan for the City.

### **Summary**

In August of 1995, City Council authorized Staff and its consultants, Balloffet and Associates, Inc., to prepare a Comprehensive Land Use Plan ("Plan") for the City. The adoption of the final draft Plan is the culmination of this 20 month effort.

It has been over 25 years since the City prepared its last Comprehensive Plan. For the past 15 years, the City has been operating under the guidance of a "Policy Document" which is essentially a series of written policies regarding development priorities and standards but without any specific guidance regarding land use. With only about 30% of the land within the City available for development today, the City Administration realized that the remaining land resource had to be carefully analyzed and planned to assure a proper "balance" of uses, with sufficient opportunities for future economic development and growth. Staff believes that the Comprehensive Plan brought before City Council on June 9 represents a visionary, yet practical guide for the disposition of the remaining land in Westminster.

The Comprehensive Land Use Plan which has been prepared is specifically designed to be a very functional plan. Unlike most City "master plans" which are very general in nature, Westminster's Comprehensive Plan is "property specific" - every property land owner can easily determine what land use is designated for their property. This specificity also makes the plan very useful as a basis for other functional planning such as utility, transportation or recreation facility plans. Westminster' Plan will not simply be a shelf space occupant, but rather a dynamic and meaningful reference which will have regular use throughout the City and help guide Council in their decision making process.

The final draft Plan is a result of extensive public input, including ten neighborhood meetings held throughout the City, public hearings before both the Planning Commission and City Council, and hundreds of letters and phone conversations with interested citizens and property owners.

At the conclusion of the public hearings held before Planning Commission and City Council, there were a number of property owners or their representatives who took issue with the draft Plan designations for their properties, or the language affecting their properties in the text of the Plan.

On May 5th and 19th, City Council discussed all 32 of these properties and made final determinations regarding their land use. The final Staff recommendations are included in the Comprehensive Land Use Plan and the Summary Table attached to this memorandum.

### **Planning Commission Recommendation**

The Planning Commission recommendations are included in the attached table "Comprehensive Land Use Plan: Final Staff Recommendations based on Council Study Session May 5 and May 19, 1997," with the exceptions of properties designated M, O, A, Q, V, and Z. Planning Commission recommended the adoption of the Comprehensive Land Use Plan as presented on the Land Use Map and the summary table attached to this memorandum.

### **Staff Recommendation**

Pass Councillor's Bill No. 33 on first reading adopting the Comprehensive Land Use Plan for the City of Westminster.

### **Background Information**

The Comprehensive Land Use Plan is a guide for how the remaining vacant land in the City will develop. The Plan evolved out of extensive discussions with citizens, interest groups, and property owners. Out of those meetings and discussions, a set of priorities emerged as the primary goals for the Plan, as follows:

#### **Comprehensive and Integrated Parks and Open Space System**

A major interest of Westminster's citizens has been the expansion of the City's open space and parks system. The City's goal is to retain about 15% of the total area of the City as natural open space. Accordingly, the plan proposes the acquisition of a significant amount of the City's remaining vacant land for parks and open space. However, specific parcels to be acquired for open space are not identified.

#### **Promote Development of Attractive, Well-Designed Neighborhoods**

The plan calls for the establishment of new neighborhoods with quality site and architectural design, as well as the protection and enhancement of existing neighborhoods. New neighborhoods will include a variety of attractive pedestrian-oriented residential areas to establish a unique neighborhood identity.

#### **Balanced Housing Mix**

Westminster has a larger proportion of multiple family/attached housing (nearly 40 percent) than most of the communities in the Denver metro area. One of the major goals of the plan is to maintain a balanced housing mix. Therefore, most of the remaining residential land will be reserved for single family housing, including move-up and higher end housing. This will retain approximately the same ratio of single-family to multiple-family housing that exists today, as opposed to existing zoning which would allow a majority of multiple-family and attached housing.

#### **Balanced, Quality Approach to Retail Development**

Retail sales are and will continue to be essential elements in the City's economy, although the location and quality of retail development are major concerns of community residents. The plan recognizes a balanced approach to retail development that includes limiting retail development at intersections, and emphasizes high quality, coordinated architecture, landscaping, and pedestrian orientation.

**Strong Employment Base**

The plan identifies new employment centers at strategic locations that incorporate high quality design and significant open space. The majority of the City's new employment centers will be located along the US 36 Corridor, I-25 and 120th Avenue.

**Maintain Integrity of South Westminster**

The plan advocates the revitalization and enhancement of older retail areas, with special emphasis on the 72nd Avenue and Federal Boulevard corridor and Westminster Plaza. The City will encourage efforts to improve the area's image and infrastructure to support this commercial revitalization. In addition, the plan supports the continued enhancement and preservation of south Westminster residential areas as attractive, vital neighborhoods.

**Establish District Centers**

The plan proposes the creation of five district centers throughout the City. The purpose of district centers is to create a unique identity and focus of areas around the district and City. District centers will function as a gathering place for area workers, residents, and visitors, as well as providing opportunities for local services. Uses for each District Center will vary, but most will serve as destinations for working, shopping, and entertainment.

**Balanced Transportation System**

The plan incorporates the Westminster Comprehensive Roadway Plan, which has recommended numerous roadway improvements. The Roadway Plan promotes the development of a street system that provides continuous and direct travel throughout the City, while limiting the traffic impacts on residential areas. In addition, the land use plan encourages the expansion of transit service within the City and the region, and the provision of bicycle and pedestrian facilities.

The "Land Use Buildout Comparisons" table below is a measurement of the various land uses projected in the Comprehensive Land Use Plan versus what would occur under current zoning. This table illustrates how the land use Plan responded to the goals and policies set forth.

Land Use Buildout Comparisons

Residential Uses (Number of Dwellings)

<b>Dwelling Type</b>	<b>Existing</b>	<b>Allowed by Current Zoning</b>	<b>Projected in Plan</b>
Single Family Detached	21,482 61%	26,798 49%	25,557 59%
SFA/MF	13,627 39%	28,155 51%	17,597 41%
<b>TOTAL</b>	35,109 <sup>(1)</sup> 100% 43,154 <sup>(3)</sup> 100%	54,952 <sup>(2)</sup> 100%	

(1) Existing City population is 91,813 persons

(2) Population which would result in the buildout under current zoning would amount to 128,528 persons

(3) The population projected by the Comp Plan is 105,789 persons

Non-Residential Uses (Acres)

<b>Land Use Category</b>	<b>Existing</b>		<b>Allowed By Current Zoning</b>		<b>Projected By Draft Plan</b>	
Office/Business Park	190	16%	324	11%	1,705	49%
Retail	740	61%	1,205	40%	984	28%
Industrial	288	24%	582	19%	307	9%
Mixed Use/ District Center	0	0%	894	30%	504	14%
Total	1,218	100%	3,005	100%	3,500	100%

With regard to residential uses it can be seen that the existing proportion of single family detached residences to multiple family (and other attached dwellings) is approximately 61% detached to 39% multiple family. If residential development were allowed to develop under current zoning, the majority of housing (51%) in the City would be multiple family/attached dwellings. The Plan projects a proportion of 59% single family detached to 41% multiple family, very close to the existing ratio. In addition, the Plan provides for lower density residential land use designations with two detached density limits of 2.5 and 3.5 dwellings per acre. Multiple family and single family attached (townhomes) densities are restricted to 10 dwelling units per acre (du/a) and 10 du/a respectively, somewhat lower than existing densities for these types of development. Thus, the goal of achieving a more balanced housing mix, including more move-up and higher end housing, is achieved by the plan.

Regarding non-residential land use, a higher percentage of "office" and "business park" uses are included in the Plan. A total of 1,705 acres of these types of higher end employment uses have been provided, mainly in the I-25/Huron Street corridor, the 120th Avenue corridor, and in the area south of Jefferson County Airport. At the same time, the amount of land designated for "retail" uses has been decreased from 1,205-acres (current zoning) to 984-acres in the plan. This reallocation of land uses from retail to higher end employment addresses both the "Stronger Employment Base" goals as well as the "Balanced, Quality Approach to Retail Development" goal. Finally, the amount of "mixed use" zoning currently in place has been reallocated to more predictable categories such as "District Centers" and "Business Park."

Overall, the Plan addresses the goals set forth by City Council and the citizens of Westminster, and carefully balances the land uses on the City's dwindling land resource.

Respectfully submitted,

William M. Christopher  
City Manager

Attachments



BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. \_\_\_\_\_

SERIES OF 1997

INTRODUCED BY COUNCILLORS  
\_\_\_\_\_

A BILL

**FOR AN ORDINANCE ADOPTING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN**

Whereas, the City Charter and state statute authorize City Council adoption of a comprehensive land use plan for the use, division and development of land for the purpose of protecting the public health, safety and welfare and accomplishing the harmonious development of the City; and

Whereas, the City has conducted an extensive review of existing land use and proposals for future development, including the participation of the public and of landowners in a series of public meetings, hearings before the Planning Commission and hearings before the City Council; and

Whereas, the Planning Commission has considered the plan and recommended its adoption to the City Council with certain modifications; and

Whereas, a proposed comprehensive land use plan has been presented to the City Council with adaptations as recommended by the Planning Commission and city staff after further review; and

Whereas, review and modification of the proposed Plan have been completed.

Now therefore, the City Council hereby finds that the proposed Westminster Comprehensive Land Use Plan, dated May 28, 1997, provides for the use, division and development of land and meets the general purpose of protecting the public health, safety and welfare as authorized by Section 4.16 of the City Charter; and

Further, the City Council finds that the proposed Westminster Comprehensive Land Use Plan, dated May 28, 1997, meets the general purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development of the municipality as authorized by Part Two of Title 31, Chapter 23, C.R.S.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The Westminster Comprehensive Land Use Plan, dated May 28, 1997, is hereby adopted.

Section 2. Compliance with said Plan, as provided in Westminster Municipal Code Chapter 2.5 of Title 11, shall be mandatory upon the effective date of this ordinance.

Section 3. Land use designations shown in the Plan may be affected by pre-existing vested rights or contractual development commitments. The applicability and scope of such vested rights or contractual developments, if any, will be reviewed and determined at the time of development plan approval.

Section 4. If a provision of the Plan conflicts with a provision of any policy, standard, or regulation adopted by the City, the more strict provision shall prevail.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 9th day of June, 1997.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this      day of June, 1997.

ATTEST:

\_\_\_\_\_  
Mayor

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

**Date:** June 9, 1997

**Subject:** 88th Avenue Improvements Construction Contract

**Prepared by:** David W. Loseman, Senior Projects Engineer

## **Introduction**

City Council action is requested to award the construction contract for the 88th Avenue, Sheridan Boulevard to Harlan Street Project to New Design Construction Company in the amount of \$1,296,643; to authorize the expenditure of \$61,981 for the purchase of traffic signal equipment; to authorize the City Manager to execute a contract with HDR Engineering, Inc. in an amount not to exceed \$124,640 for construction engineering services relating to this project; and to authorize a project contingency of \$50,000. Funds are available for these expenses in the appropriate project account in the General Capital Improvement Fund.

## **Summary**

Westminster voters overwhelmingly approved a \$15.0 M bond issue last November that is intended to fund traffic flow improvements and reduce traffic congestion in the City. Improvements to 88th Avenue between Harlan Street and Sheridan Boulevard and to Benton Street from 88th Avenue to 92nd Avenue was identified as one of the top priorities to improve traffic flow in the Westminster Mall/City Center area.

Two contractors submitted bids on this project with the low bid of \$1,296,643 being submitted by New Design Construction Company. It is recommended that City Council award the contract to New Design Construction Company.

Council action is also requested to authorize the City Manager to sign a construction engineering services agreement with HDR Engineering, Inc. in the amount of \$124,640. The requested fee represents approximately 9.6% of the cost of construction, which reasonably compares with the cost of such services on previous capital improvement projects.

At the May 12 City Council study session, City Staff presented the results of meetings with business owners and tenants in the area. Of the fourteen (14) owners and tenants contacted, two tenants and one owner expressed concern over the closure of the median within 88th Avenue at Benton Street. While this closure will create a minor inconvenience for shoppers wishing to leave from the shopping center at the southwest corner of 88th Avenue and Sheridan Boulevard, it is the single most important component of this project. The elimination of this median opening will prevent traffic backups through the 88th Avenue and Sheridan Boulevard intersection that currently occur due to the existing traffic signal at Benton Street. It will also eliminate the dangerous "weaving" conflicts between southbound Sheridan Boulevard to westbound 88th Avenue vehicles that currently try to turn left onto Benton Street and the northbound Sheridan Boulevard to westbound 88th Avenue vehicles that want to turn right at Benton Street.

The other two key construction projects in the bond package, 92nd Avenue widening and Sheridan Boulevard widening, will take place in 1998 and 1999.

### **Staff Recommendation**

Authorize the City Manager to sign a contract with New Design Construction Company in the amount of \$1,296,643 for the construction of 88th Avenue between Sheridan Boulevard and Harlan Street; authorize the expenditure of \$61,981 for the purchase of traffic signal equipment relating to this project; authorize the City Manager to sign a construction engineering services agreement with HDR Engineering, Inc. in an amount not to exceed \$124,640; authorize a construction contingency of \$50,000; and charge the expense to the appropriate project account in the General Capital Improvement Fund.

### **Background Information**

In January, 1995, the City hired Felsburg, Holt & Ullevig to identify specific improvements needed in the area generally bounded by Sheridan Boulevard on the east, Harlan Street on the west, 92nd Avenue on the north and 88th Avenue on the south.

Based on this study, several alternatives were identified and analyzed in detail to prioritize and identify a cost for each alternative in preparation for consideration of the future funding of all or some of the alternatives. The entire list of alternatives that were identified and discussed are as follows:

- > Modifications to the U.S. 36 interchange at Sheridan Boulevard/92nd Avenue
- > Sheridan Boulevard Improvements (92nd Avenue to 87th Place)
- > 88th Avenue Improvements (Sheridan Boulevard to west of Harlan Street)
- > Improvements to 88th Avenue and Sheridan Boulevard intersection.
- > 92nd Avenue Improvements (Marshall Street to Yates Street)
- > Construction of Harlan Street from its current northern terminus (approximately 95th Avenue), north to 112th Avenue, including a bridge over U.S. 36.

These alternatives are a comprehensive list of all possible solutions to the traffic flow problems in the vicinity.

The subject of this Agenda Memorandum is the award of the construction contract for the improvements to 88th Avenue between Harlan Street and Sheridan Boulevard. It is imperative that this portion of 88th Avenue be improved as soon as possible. Otherwise, construction work will conflict with the high traffic volume Christmas shopping season. Immediate, significant benefits could be realized by eliminating the "bottlenecks" that currently occur at Benton Street and Harlan Street along 88th Avenue. The improvements consist of widening 88th Avenue on the north side to provide for three through lanes for westbound 88th Avenue as well as acceleration/deceleration lanes for all Mall access points and Harlan Street. In addition, the signal at Benton Street would be relocated to the next intersection to the west and Benton Street will be converted into a right-in/right-out access. Benton Street, adjacent to the Mall, would be tied into the Mall parking lot roadway system so that it would then become a segment of the proposed a "ring" road around the east side of the Mall.

In preparation for this project, Staff contacted fourteen (14) owners and tenants that may be affected by this project. Of these fourteen, two tenants, Mr. Jimmy Chan from China Terrace and Mr. Scott Wood from Unique Packaging as well as the owner of the shopping center at the southwest corner of 88th Avenue and Sheridan Boulevard, Mr. Brad Kittleson, expressed concerns over this project. Their primary concern is the closure of the median on 88th Avenue at Benton Street. This closure will eliminate the left-in and left-out movements from their shopping center. The new route for patrons wishing to travel westbound on 88th Avenue is shown on the attached map. In the worst case, a patron parked in the far northwest parking stall in the shopping center will have to travel an additional 0.3 of a mile and go through one additional signal to travel westbound on 88th Avenue. While this is an inconvenience, the median closure is the most significant improvement in this project to improve traffic flow through the 88th Avenue and Sheridan Boulevard intersection.

To help offset some of the tenants'/owners' concerns, Staff has offered to prepare a "flyer" that businesses can hand-out to patrons. This flyer will explain how to get to and from the shopping center after the construction of this project. In addition, City Staff has offered to install a double-left-turn lane out of the center (at Turnpike Drive) and onto Sheridan Boulevard, once the Sheridan Boulevard project is constructed.

The construction package for the 88th Avenue Project was advertised in The Daily Journal for three weeks, and bids were opened on May 22. Two contractors submitted bids, and bid results are as follows:

<u>Bidder</u>	<u>Amount of Bid</u>
New Design Construction Company	\$1,296,643.09
Asphalt Specialties Company	\$1,307,373.60
Engineer's Estimate	\$1,377,000.00

HDR Engineering, Inc., the City's engineering design consultant, has reviewed the results of the bidding procedures and recommends that the low bidder, New Design Construction Company, be awarded the contract for construction in the amount of \$1,296,643. Both City Staff and the design consultant are familiar with New Design Construction Company and believe that this company is capable of constructing this type of project. Staff also recommends that a construction contingency of \$50,000 be authorized to account for any unforeseen change orders on the project.

Capital improvement projects as significant as this one demands full-time inspection, surveying and materials testing services. The City is not adequately staffed to provide these services "in-house." In almost all cases, it is best to retain the design consultant to provide construction engineering services on that project. Such a contractual relationship eliminates any potential for "finger pointing" between consultants whenever problems arise in the field. It also allows the most informed individuals on a particular project to actually inspect the progress of the work. Staff checked proposed construction services against generally accepted industry standards relating to fair percentage of the value of the work being constructed.

Depending upon the size of the project, construction service fees should usually fall into the range of 5% to 15% of the cost of construction. For the 88th Avenue, Sheridan Boulevard to Harlan Street project, HDR's proposed fee of \$124,640 (9.6% of the expected cost of this project) is fair to the City.

Respectfully submitted,

William M. Christopher  
City Manager

Attachments

**Date:** June 9, 1997  
**Subject:** Resolution No. re NorthPark Plaza Shopping Center Service Commitments  
**Prepared by:** Mark E. Geyer, Planner II

### **Introduction**

City Council action is requested to adopt the attached Resolution awarding 99.8 Category "C" Service Commitments for the NorthPark Plaza Shopping Center.

### **Summary**

When reviewing the NorthPark Official Development Plan (ODP) in January and February, 1997 for hearing by the Planning Commission and City Council, several site planning and use issues were not resolved and a definitive total number of service commitments could not be determined. Staff had given an estimate of 100 commitments in the City Council Agenda Memorandum on February 11, 1997. Now that the ODP has been approved by Council and has been submitted by the applicant in its final format, the precise total number of service commitments can be quantified and awarded to the project. A total of 99.8 service commitments are required for this commercial project.

### **Staff Recommendation**

Adopt Resolution No. awarding 99.8 Category "C" service commitments for the NorthPark Plaza Shopping Center.

### **Background Information**

The project consists of one major tenant, a King Soopers grocery store, 39,000 square feet of in-line retail uses (with approx. 5,000 square feet of restaurant uses), an 18,000 square foot, two-story medical office building, a gas station/convenience store, a freestanding bank, a Wendy's restaurant, and a future pad site to be used as a restaurant. There is 212,000 square feet of landscaped area throughout the site.

Respectfully submitted,

William M. Christopher  
City Manager

Attachment

RESOLUTION

RESOLUTION NO.

INTRODUCED BY COUNCILLORS

SERIES OF 1997

CATEGORY C SERVICE COMMITMENT AWARD FOR THE NORTHPARK  
PLANNED UNIT DEVELOPMENT (NORTHPARK PLAZA SHOPPING CENTER)

WHEREAS, the City of Westminster has adopted by ordinance a Growth Management Program for the period July 1, 1990, through June 30, 2000; and

WHEREAS, within that ordinance there is a provision for an award of Service Commitments to Category C, Non-Residential Developments; and

WHEREAS, Category C is the category which is appropriate for the NorthPark Plaza Retail Center in the NorthPark Filing No. 8 Subdivision Planned Unit Development; and

WHEREAS, there are 622.80 Service Commitments available for award in Category C; and

WHEREAS, the City Council has approved the Preliminary and Official Development Plan for the NorthPark Plaza Retail Center within the NorthPark Filing No. 8 Subdivision Planned Unit Development.

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

1. An award of 99.8 Service Commitments is hereby made for use in the NorthPark Plaza Retail Center in the NorthPark Filing No. 8 Subdivision Planned Unit Development.
2. A reduction of 99.8 Service Commitments is hereby made to the total number of Service Commitments available in Category C.
3. This award shall be valid for a period ending February 24, 1999.
4. This shall constitute the resolution required under Section 11-5-4 of the City Code.

Passed and adopted this 9th day of June, 1997.

ATTEST:

\_\_\_\_\_  
Mayor

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



**Date:** June 9, 1997

**Subject:** Councillor's Bill No. re Rental Income

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

### **Introduction**

City Council action is requested to pass the attached Councillor's Bill on first reading, appropriating \$4,883 to the 88th Avenue Bottleneck Project. The appropriation is income from the City's leasing of the Sullivan property, purchased in 1993 in advance of its demolition in 1996 for the extension of Church Ranch Boulevard.

### **Summary**

In 1993, the City purchased a residential property in the path of the roadway project which would extend Church Ranch Boulevard from Old Wadsworth Boulevard to Colorado Highway 121 (Wadsworth Parkway). The property was leased out by the City for several years until it was torn down for the project. Rental income was used to pay a property management firm for handling this property and two other properties that the City purchased along 88th Avenue.

The recent demolition of the two residences at 7780 and 7800 West 88th Avenue has eliminated the need for property management services, and those funds can be used to complete work on the now vacant sites.

### **Staff Recommendation**

Pass Councillor's Bill No. on first reading appropriating \$4,883 to the 88th Avenue Bottleneck Project and authorizing necessary expenditures to complete project activities.

### **Background Information**

In 1993, City Council authorized the purchase of a residential property from Garland Sullivan. The property was in the path of the proposed project to extend Church Ranch Boulevard west from Old Wadsworth Boulevard to Colorado Highway 121. Since the project was at that time several years away, the property was leased out and managed by Proformance Properties under a contract with the City. Rental income from the lease paid for the management services and generated a positive cash flow during the years of rental. When the City purchased the two Ball properties at 7780 and 7800 West 88th Avenue in 1995, the arrangement with Proformance Properties was expanded to include maintenance of those two houses. Soon after, the Sullivan property was demolished with the Church Ranch Boulevard project, which stopped the income stream.

The Ball houses were also recently demolished and the services of Proformance Properties, Inc. are no longer needed. The balance in the property management fund, handled over the years by Proformance Properties, is \$4883, which has been returned to the City.

## Rental Income Appropriation

Page 2

The initial budget for the 88th Avenue Bottleneck Project did not include provision for the purchase of the Ball properties or the management and demolition activities which followed from that purchase. It is recommended that the rental income be appropriated to the 88th Avenue Bottleneck Project account to affect some of these costs and complete project activities. It will be necessary to re-seed the area disturbed by the demolition project and to perform periodic maintenance until the property is redeveloped. In addition, the project account can be partially reimbursed for expenditures associated with the demolition itself. Any funds remaining once project activities are completely closed out will be returned to the General Fund.

Respectfully submitted,

William M. Christopher  
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. \_\_\_\_\_

SERIES OF 1997

INTRODUCED BY COUNCILLORS  
\_\_\_\_\_

A BILL

FOR AN ORDINANCE INCREASING THE 1997 BUDGET OF THE GENERAL CAPITAL IMPROVEMENT PROJECT FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 1997 ESTIMATED REVENUES IN THE FUND

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 1997 appropriation for the General Capital Improvement Project Fund, initially appropriated by Ordinance No. 2473 in the amount of \$11,285,000 is hereby increased by \$4883 which, when added to the fund balance as of the City Council action on May 19, 1997, will equal \$11,564,833. The actual amount in the General Capital Improvement Project Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to the appropriation of rental income to fund expenses relating to the 88th Avenue Bottleneck project.

Section 2. The \$4,883 increase in the General Capital Improvement Project Fund shall be allocated to City Revenue and Expense accounts which shall be amended as follows:

<u>Description</u>	<u>Current Budget</u>	<u>\$ Increase</u>	<u>Final Budget</u>
<u>REVENUES</u>			
75-1072-000 Miscellaneous Income	\$-0-	<u>\$4,883</u>	\$4,883
<u>EXPENSES</u>			
88th Ave Bottleneck Project			
75-30-88-555-372	\$609,355	<u>\$4,883</u>	\$614,238

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 9th day of June, 1997.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this \_\_\_\_\_ day of \_\_\_\_\_, 1997.

ATTEST:

\_\_\_\_\_  
Mayor

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

**Date:** June 9, 1997  
**Subject:** Revised Intergovernmental Agreement for I-25 Interchange Study  
**Prepared by:** Dave Downing, City Engineer

### **Introduction**

City Council action is requested on the revised Intergovernmental Agreement (IGA) for the I-25 Interchange Study.

### **Summary**

On February 24, 1997, City Council authorized the Mayor to execute an IGA with the cities of Thornton and Broomfield which addressed the process to be used in achieving an evaluation of potential interchange locations along I-25 north of 120th Avenue.

Council's action on that date also authorized Westminster's financial participation in the study in an amount up to \$23,000.

Following Council's consideration of this item in February, the City of Broomfield proposed a few late revisions to the wording of the IGA. While a couple of their suggestions were viewed by Westminster and Thornton Staffs as inconsequential (e.g., changing the number of representatives from each city to the study's "policy advisory committee" from one to two), Broomfield also requested that the IGA contain language requiring the final vote on the approval of the interchange study to be unanimous. Westminster and Thornton objected to this request, and, after some debate, Broomfield agreed to withdraw this particular suggestion. Therefore, Staff believes that the content of the attached revised IGA is basically the same as the version that was approved by Council in February, but, as a matter of protocol, it has been brought back to Council for formal approval.

### **Staff Recommendation**

Approve the revised Intergovernmental Agreement with the cities of Thornton and Broomfield which defines the process and funding responsibilities for a detailed evaluation of possible interchange locations north of 120th Avenue on I-25.

### **Background Information**

The existing interchange at I-25 and 120th Avenue has become more congested, and it is recognized that additional interchanges are needed to the north along the interstate. An Intermodal Surface Transportation Efficiency Act (ISTEA) funding application was jointly submitted by the Cities of Westminster, Thornton and Broomfield, and funds in the amount of \$276,000 have been authorized through the Denver Regional Council of Governments (DRCOG) to perform a comprehensive investigation of the feasibility of the future construction of interchanges at 128th Avenue, 136th Avenue and/or 144th Avenue. The three local sponsors believe that, at some point in the future, interchanges may be needed at all three of these locations. Unfortunately, it is difficult to fund three interchange improvements and priorities need to be established.

This study will be important in that the priority sequence of the construction of these interchanges will be established.

Following the City Council's approval of the revised IGA (as well as similar actions by the City Councils of Thornton and Broomfield), representatives will be appointed to a policy advisory committee and a technical advisory committee. The first action by these committees will be to select a consultant to perform the many environmental and engineering tasks that comprise such an evaluation. It is currently anticipated that it will take approximately one year to complete all of this work.

Respectfully submitted,

William M. Christopher  
City Manager

Attachement

**Date:** June 9, 1997

**Subject:** Resolution No. re 1997 Recovery Contract Interest Rates

**Prepared by:** Kevin Berryhill, Senior Civil Engineer

### **Introduction**

City Council action is requested on the attached Resolution which will set the interest rates on applicable public improvement recovery contracts for calendar year 1997.

### **Summary**

In accordance with Section 8(A) of Title XI, Chapter 6, of the City Code, it is requested that City Council establish interest rates on recovery agreements for 1997. Recovery agreements are the method by which the original installers of public improvements are paid back for a portion of the cost of such improvements by subsequent users of the facilities. The City Code sets no limit upon Council in the calculation of the interest rate, but, for the past 15+ years, it has been City practice to add two percent to the Prime Rate. Council has added two percent to the Prime Rate in an effort to reflect the private developer's "cost of money" to borrow funds to build public improvements. It was determined that the Prime Rate on January 1, 1997, was 8.25 percent. Therefore, it is proposed that the recovery interest rate for 1997 on non-City funded public improvements be the Prime Rate plus two percent, or rounded to 10.3 percent.

Beginning in 1993, Council determined that the recovery interest rates on City-funded projects would be based on the Municipal Bond Index. Again, this index is used to reflect the City's "cost of money," which is different from that of a private developer. This index for 1997 is 5.72 percent. Thus, the recovery interest rate on City-funded projects should be rounded to 5.7 percent for 1997.

### **Staff Recommendation**

Adopt Resolution No. establishing the 1997 calendar year interest rate for non-City funded public improvement recovery contracts at 10.3 percent and an interest rate of 5.7 percent for City-funded public improvements.

### **Background Information**

Several years ago, City Council established a recovery system which enables developers to recover a portion of certain costs associated with public improvements installed with their developments that also benefit adjacent, undeveloped properties. Recovery contracts are executed between the City and the developer. When subsequent development occurs in those areas benefited by the improvements installed by the original developer, the new development is assessed its proportionate share plus interest, which is then returned to the original developer.

The recovery system has also allowed the City to be reimbursed for public improvements installed by the City when subsequent private development occurred abutting the improvements.

Prior to 1993, the interest rate used in calculations for recoveries owed on City-funded public improvements was equal to that used on privately funded improvements (i.e., prime rate plus two percent). However, the actual cost of money used to fund City Capital Improvement projects is usually much less than that charged to private developers. Since the philosophy behind the City's recovery system is one of cost reimbursement, not profit making, it is more equitable to select an interest rate for City-funded projects that more closely approximates the actual cost of money to the City. Therefore, beginning in 1993, Council determined that the Municipal Bond Index in effect at the first of each calendar year would be selected as the recovery interest rate for City projects. Thus, the recovery interest rate for such projects during 1997 is proposed to be 5.7 percent.

Respectfully submitted,

William Christopher  
City Manager

Attachment: Resolution

RESOLUTION

RESOLUTION NO.

INTRODUCED BY COUNCILLORS

SERIES OF 1997

\_\_\_\_\_

WHEREAS, Section 11-6-10.5(A) of the Westminster City Code provides the City Council shall establish the interest rates to be utilized for the assessment of interest costs relating to recovery costs for public improvements; and

WHEREAS, the Westminster City Code provides that such interest rates are to be established from time to time; and

WHEREAS, these interest rates have traditionally been calculated at the beginning of each calendar year; and

NOW, THEREFORE, be it resolved that the City Council of the City of Westminster hereby establish the 1997 calendar year interest rate for any non-City funded public improvement recovery contract to be 10.3 percent and the 1997 calendar year interest rate for City-funded public improvements to be 5.7 percent.

Passed and adopted this 9th day of June, 1997.

ATTEST:

\_\_\_\_\_  
Mayor

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



**Date:** June 9, 1997

**Subject:** Councillor's Bill No. re Big Dry Creek Trail Grant Reimbursement

**Prepared by:** Philo Shelton, Park Project Engineer

### **Introduction**

City Council action is requested to pass on first reading the attached Councillor's Bill requesting a supplemental appropriation of \$45,000 from the 1994 State Trails grant into the trails account in the General Capital Improvement Project Fund. Colorado State Parks and Great Outdoors Colorado (GOCO), sponsors of the State Trails Grant, has reimbursed the City of Westminster \$45,000 for the successful completion of the construction of Big Dry Creek Trail from Sheridan Boulevard to 128th Avenue along Big Dry Creek.

### **Summary**

Big Dry Creek Trail is one of the projects that was awarded a \$45,000 grant from the 1994 State Trails Grant cycle funded by both Colorado State Parks and GOCO. This grant helped to fund the construction of the Big Dry Creek Trail from Sheridan Boulevard to 128th Avenue. The final project cost was \$200,000, with the Colorado State Parks/GOCO grant contributing to 22.5% of the funding.

City Council action is requested to pass the attached Councillor's Bill for a supplemental appropriation of \$45,000 from this State Trails grant into the Trail Development, General Capital Improvement Project Fund. This supplemental appropriation will reimburse the Trail Development CIP Fund that covered the expense of this grant.

### **Staff Recommendation**

Pass Councillor's Bill No. on first reading appropriating \$45,000 into the Trail Development account in the General Capital Improvement Fund.

### **Background Information**

Big Dry Creek begins at Standley Lake and winds its way through Jefferson and Adams Counties on a northeastern intercept with the Platte River. Presently, the Big Dry Creek Trail is a continuous trail from 104th Avenue near the Butterfly Pavilion to 128th Avenue. Westminster's Trail Master Plan identifies the Big Dry Creek Trail from Standley Lake Regional Park to I-25 and Big Dry Creek, the City limit.

The State of Colorado, through Lottery proceeds, has developed a State Trails Program for distribution of grant funds to governmental agencies and recreation districts throughout Colorado by competing in a grant application process. The Colorado Lottery provided additional funding to the State Trails Program in 1994 from the Greater Outdoors Colorado (GOCO) program to provide a combined total of over \$1.4 million funding to be distributed through the Colorado State Parks Trails Program. Grants up to \$50,000 were awarded to eligible applicants throughout the state.

Staff had submitted a \$50,000 grant application and received \$45,000 from the State Trails Program for development and construction of 3.5 miles of trail along Big Dry Creek between Sheridan Boulevard and 128th Avenue. The estimated cost to construct this section of trail was \$180,000 which includes a 60' pedestrian bridge over Big Dry Creek; approximately 18,000 feet of 10' wide "soft" trail; two underpasses, one at 120th Avenue and one at the Federal Boulevard ramp; trail signage; revegetation; landscape plantings; and volunteer support expenses.

The project was constructed in a series of phases due to the timeline required to complete acquisition of easements and construction of the Big Dry Creek Interceptor Sewer project that paralleled the trail. A section of trail from Front Range Community College to Stratford Lakes Subdivision was the first segment constructed. Next came the construction of underpasses at 120th Avenue and Federal Boulevard by-pass, followed by a bridge constructed near 112th Avenue and Vrain Street. After the bridge was constructed, another section of trail was installed from Sheridan Boulevard to the Front Range Community College Pond. Finally, when the Big Dry Creek Interceptor Sewer project was completed, the remaining section of trail was constructed from 120th Avenue to 128th Avenue. Park construction staff constructed all the "soft" trail segments in a very efficient manner. The underpasses and bridge were constructed by contractors.

The Adams County portion of Westminster's Big Dry Creek Trail is primarily funded through the Trail Development account in the General Capital Improvement Fund. However, the City has received two State Trails Grants for two key segments of this trail. The first grant of \$45,000 was used to help construct the trail from Sheridan Boulevard to 128th Avenue along Big Dry Creek (completed this past year). The second grant for \$40,000 will be used to construct another section of the Big Dry Creek Trail this year from 128th Avenue to Huron Street, with neighborhood connections to Home Farm, Park Centre, and Amherst Subdivisions.

A special event program was organized on National Trails Day, June 4, 1995, to build elements required for the trail such as a drainage crossing, wetland plantings, and native seeding from Sheridan to the Front Range Community College Pond with the assistance of Parks Staff and volunteers. For 1997, the City will celebrate National Trails Day with a variety of events planned for the Big Dry Creek Trail from the Butterfly Pavillion to 128th Avenue. Festivities planned include a 5k run, nature hikes, trail volunteer work groups, wildlife/historic interpretation stations, food vendors, a fishing tournament, music, and the formal dedication of the Big Dry Creek Trail for both Adams County and Jefferson County. It will provide an opportunity to actively promote trail development with Westminster Open Space tax dollars and demonstrate the results of the Open Space program.

Respectfully submitted,

William M. Christopher  
City Manager

Attachments - Councillor's Bill and Project area map

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. \_\_\_\_\_

SERIES OF 1997

INTRODUCED BY COUNCILLORS  
\_\_\_\_\_

A BILL

FOR AN ORDINANCE INCREASING THE 1997 BUDGET OF THE GENERAL CAPITAL IMPROVEMENTS FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 1997 ESTIMATED REVENUES IN THE FUND

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 1997 appropriation for the General Capital Improvements Fund, initially appropriated by Ordinance No. 2385 in the amount of \$11,285,000 is hereby increased by \$45,000 which, when added to the fund balance as of the City Council action on June 9, 1997, will equal \$22,872,341. The actual amount in the General Capital Improvements Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to the appropriation of a Colorado State Parks/ Great Outdoors Colorado grant for the construction of the Big Dry Creek Trail Project.

Section 2. The \$45,000 increase in the General Capital Improvements Fund shall be allocated to City Revenue and Expense accounts which shall be amended as follows:

<u>Description</u>	<u>Current Budget</u>	<u>\$ Increase</u>
<u>Final Budget</u>		
<u>REVENUES</u>		
Intergovernmental 75-0478-000\$100,000	<u>\$45,000</u>	
\$145,000		
<u>EXPENSES</u>		
Project #236 75-50-88-555-236\$421,464	<u>\$45,000</u>	
\$466,464		

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 9th day of June, 1997

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this \_\_\_\_\_ day of June, 1997.

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_

City Clerk

**Date:** June 9, 1997

**Subject:** Modular Furniture Purchase for Community Development

**Prepared by:** Larry Hulse, Planning Manager and Lynne Torgerson, Administrative Coordinator

### **Introduction**

City Council action is requested to authorize the purchase Haworth modular office furniture in the amount of \$56,481 from Facilitek Office Furniture Systems, a local Haworth furniture dealer. Funds are available in the Department of Community Development division budgets for this purchase.

### **Summary**

In 1988, the City established a standard of quality of furniture that has been maintained over the years so that the furniture holds up well and wears well. This has proved to be very worthwhile since most furniture in City Hall is almost ten years old and it is holding up quite well.

Competitive bids were not obtained due to the single source local supplier for Haworth furniture being Facilitek Office Furniture Systems. Over the last nine years, the City has developed an excellent working relationship with Facilitek and they have all City Hall furniture on a computerized system. This allows the City to test various workstation configurations to determine the ones that will be most efficient.

During the past nine years, the Department of Community Development has grown from approximately 34 employees to a current full and part-time staffing level of 52.7. With the addition of employees as part of the 1997 Budget, there are not enough workstations for the new employees and the various volunteers and interns.

City Staff and Facilitek have been working over the past several months to develop a floor plan to accommodate the current employee staffing level and future growth. The floor plan that will be used reconfigures several existing workstations to allow for the additional workstations. The floor plan is efficient and accommodates the needs of the department currently as well as providing for some modest expansion. There are currently 51 workstations in the department. Upon completion of the reconfiguration, there will be 58 workstations including a new conference room space and a utility area for the copy and fax machines.

It is anticipated that the furniture components will be installed in late July. The installation will be done in phases to minimize the disruption to the staff and service to the public.

### **Staff Recommendation**

Authorize the City Manager to purchase Haworth modular office furniture components from Facilitek Office Furniture Systems in the amount of approximately \$60,000 and charge the expense to the Department of Community Development budget.

### **Background Information**

Over the past several years, new positions have been added to the Department of Community Development which were not anticipated when the original furnishings were installed in the building in 1988. Since 1988, the Economic Development Division and the Open Space Division were created and recently expanded, and several new and indexed positions have been added to the Building, Planning, Engineering, and the Administration divisions, such as the South Westminster Revitalization Coordinator.

During this time, Community Development has been able to use the original furniture efficiently. However, with the addition of the new positions there is a need to reconfigure the floor plan to accommodate additional workstations for the employees.

The City began working on the existing floor plan with the help of the design staff at Facilitek to evaluate various alternative ways to add workstations to meet the current needs of the Department. After the floor plan was approved, an inventory of existing workstations was made to determine what new Haworth products would need to be purchased. The funds for the design, product, and installation are available in the various Community Development budgets. The anticipated costs are \$42,631 for Haworth product such as the panels, chairs, worksurfaces, overhead storage, file drawers, shelves, etc., \$12,005 for the installation and \$1,854 for the design work which has been completed.

The design work was necessary in order to efficiently design the work spaces as well as prepare an inventory of existing product.

Respectfully submitted,

William M. Christopher  
City Manager

**Date:** June 9, 1997  
**Subject:** Presentation by Crown Pointe Academy School  
**Prepared by:** Michele Kelley, City Clerk

**Introduction**

Ms. Kay May, President of the Academy Council has requested an opportunity to make a presentation to City Council regarding the Crown Pointe Academy School.

**Summary**

Ms. Kay May, President of the Academy Council for School District #50, Mark Jelinske, Chairperson of the Academy Building Committee and Chuc Duff, Architect for the Academy Council will be present to review with Council the final architectural plan and cost estimate for renovation of the Building Mall into an elementary school building. There have been some plan modifications since the Academy Council and City Council last met in April.

Also, the newly appointed Director of the Academy, B.J. Bookman will be present at Monday night's meeting to be introduced to City Council.

The Academy Council would also like to review accomplishment to date, and be available for questions and answers from Council.

**Staff Recommendation**

Listen to the Academy Council's presentation on the proposed changes and discuss this item with the representatives present.

**Background Information**

This presentation has been scheduled for Monday night's City Council meeting at the end of the meeting to allow for more than 5 minutes for the presentation and discussion.

Respectfully submitted,

William M. Christopher  
City Manager