

June 10, 1996
7:00 PM

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

1. **Pledge of Allegiance**
2. **Roll Call**
3. **Consideration of Minutes of Preceding Meetings**
4. **Presentations**
 - A. Police Department Meritorious Service Award
 - B. Valorous Service and Distinguished Service Awards
 - C. City Council Service Recognition Pins
5. **Citizen Communication (5 minutes or Less in Length)**
 - A. Roy Bernshausen
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. Special Use Permit Renewal - Colorado Locksmith College
 - B. 72nd Ave Improvements Electrical Facilities Contract Amendment
 - C. Councillor's Bill No. 29 re Building & Fire Codes (Smith-Dixon)
 - D. Councillor's Bill No. 30 re Price/Costco Easement Vacation (Harris-Smith)
 - E. Councillor's Bill No. 31 re Appropriations (Dixon-Merkel)
 - F. Councillor's Bill No. 32 re Returned Check Fees (Merkel-Dixon)
9. **Appointments and Resignations**

None
10. **Public Hearings and Other New Business**
 - A. Public Meeting on 1997 City Budget
 - B. Public Hearing re Maple Place Rezoning
 - C. Councillor's Bill No. 33 re Maple Place Rezoning
 - D. Public Hearing re Goetz Annexation and Rezoning
 - E. Resolution No. 24 re Goetz Property Annexation Findings
 - F. Councillor's Bill No. 34 re Goetz Property Annexation
 - G. Councillor's Bill No. 35 re Goetz Property Rezoning
 - H. PDP/ODP re Goetz Property
 - I. Councillor's Bill No. 36 re Church Ranch Center Assistance Package
 - J. Councillor's Bill No. 37 re ConferTech Assistance Agreement
 - K. Resolution No. 25 re ConferTech Assistance Package
 - L. Councillor's Bill No. 38 re ConferTech Easement Vacation
 - M. Resolution No. 26 re Library Board Guidelines
 - N. Resolution No. 27 re Joint Water System Study Contingency Transfer
 - O. Councillor's Bill No. 39 re Navajo Street Storm Sewer Appropriation
 - P. Contract for Navajo Street Storm Sewer Installation
 - Q. Councillor's Bill No. 40 re Church Ditch Company Power of Attorney
 - R. Resolution No. 28 re Recreation Facilities Fees
 - S. Councillor's Bill No. 41 re Policy on Recreation Fee Adjustments
 - T. City Park Phase II Landscape Architect Services
11. **Old Business and Passage of Ordinances on Second Reading**

None
12. **Citizen Presentations (5 Minutes + in Length) & Miscellaneous Business**
 - A. City Council

B. Request for Executive Session

13. Adjournment

CITY OF WESTMINSTER, COLORADO
MINUTES OF THE CITY COUNCIL MEETING
HELD ON MONDAY JUNE 10, 1996 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE:

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

ROLL CALL:

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

CONSIDERATION OF MINUTES:

A motion was made by Allen and seconded by Harris to accept the minutes of the meeting of May 20, 1996 with no additions or corrections. Councillor Allen requested to abstain as he was not present at the meeting. The motion carried with Councillor Allen abstaining.

PRESENTATIONS:

Mayor Heil, City Manager Bill Christopher and Police Chief Dan Montgomery presented the Police Department's Meritorious Service Award to Officer John Marx for his actions in the saving of a life on February 15, 1996.

Mayor Heil, City Manager Bill Christopher and Police Chief Dan Montgomery and Tactical Team Commander Mike Cressman presented the Valorous Service Award to Sergeants Mike Kamp and Mike Spellman, Officers Dave Tallman, Tim Torres, Jim Buckner, Mark Yamashita; and the Distinguished Service Award to Officers Jeff Sill and Tim Carlson, in recognition of their exemplary action during an incident on November 7, 1995.

CITIZEN COMMUNICATION:

Roy Bernshausen, 7150 Alcott Street, addressed Council about the proposed park development plan for Skyline Vista Park, requesting the City get input from the School District 50 Board and residents living in an area not within the City's boundaries.

Butch Hicks, 9044 Vance Street, addressed Council concerning statements requesting background information on candidates for Council re being welfare recipients.

George Hovorka, 7523 Dale Court, Chairman of the Community Awareness Action Team (CAAT), presented the City with a new "Just Say No to Drugs" flag, requested \$5,000 funding for the CAAT program and introduced other CAAT Boardmembers.

CONSENT AGENDA:

The following items were considered as part of the consent agenda: Special Use Permit renewal for Colorado Locksmith College, 4991 W. 80th Avenue; 72nd Avenue Improvements Contract Amendment; Councillor's Bill No. 29 re 1994 Building and Fire Codes; Councillor's Bill No. 30 re Price/Costco Easement Vacation; Councillor's Bill No. 31 re Appropriations; and Councillor's Bill No. 32 re Returned Check Fees.

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 with the recommendation stated on the Council agenda memorandums. The motion carried unanimously.

PUBLIC MEETING ON 1997 CITY BUDGET:

At 7:57 P.M. the meeting was opened to receive citizen comments on the 1997 City Budget. City Manager Bill Christopher gave a brief overview of the 1997 Budget and the development and review of the budget process. The following citizens addressed Council: Betty Whorton, 3740 W. 104th Place, requesting funding and endorsement for the Adult Literacy Program; Butch Hicks, 9044 Vance Street, requested funding for children safety, drugs and education programs; Jack Jewel, 11685 Decatur Drive, requested linking the Ranch Golf Course trail and sidewalks to the City's trail system. At 8:10 P.M. the public meeting was declared closed.

PUBLIC HEARING RE MAPLE PLACE SUBDIVISION REZONING:

At 8:10 P.M. the meeting was opened to a public hearing on the proposed Maple Place Subdivision, generally located at 74th Avenue and Stuart Street, rezoning from R-E Residential Estate to R-1. Planning Manager Larry Hulse entered a copy of the Agenda Memorandum, Planning Commission recommendation and other related items as exhibits. Wayne Smith, owner and applicant, was present to address Council. No one spoke in opposition. At 8:14 P.M. the public hearing was declared closed.

COUNCILLOR'S BILL NO. 33 MAPLE PLACE SUBDIVISION REZONING:

A motion was made by Dixon and seconded by Allen to pass Councillor's Bill No. 33 on first reading pertaining to the rezoning of Lots 4 through 9, Block 3, of the Maple Place Subdivision from R-E to R-1 based on the following findings: (a) The requested zoning meets the requirements of Section 11-2-1, 12-8-4 and 12-8-5 of the City Code; and (b) The proposed use would be compatible with current and future proposed land uses in the area. Upon roll call vote, the motion carried unanimously.

PUBLIC HEARING RE GOETZ PROPERTY ANNEXATION AND REZONING:

At 8:16 P.M. the meeting was opened to a public hearing on the application for annexation, zoning to PUD and approval of the combined PDP/ODP for the Goetz property, generally located at 106th Avenue and Dover Street. Planning Manager Larry Hulse entered a copy of the Agenda Memorandum, Planning Commission recommendation and other related items as exhibits. Max Carner, architect representing the property owner, addressed Council. No one spoke in opposition. At 8:23 P.M. the public hearing was declared closed.

RESOLUTION NO. 24 - GOETZ PROPERTY ANNEXATION FINDINGS:

A motion was made by Harris and seconded by Scott to adopt Resolution No. 24 making certain findings of fact as required under Section 31-12-110, C.R.S. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 34 - GOETZ PROPERTY ANNEXATION:

A motion was made by Harris and seconded by Scott to pass Councillor's Bill No. 34 on first reading annexing the Goetz property to the City. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 35 - GOETZ PROPERTY REZONING:

A motion was made by Harris and seconded by Scott to pass Councillor's Bill No. 35 on first reading rezoning the Goetz property from Jefferson County A-2 to Planned Unit Development in the City of Westminster. Upon roll call vote, the motion carried unanimously.

GOETZ PROPERTY PRELIMINARY AND OFFICIAL DEVELOPMENT PLAN:

A motion was made by Harris and seconded by Scott to approve the proposed Preliminary and Official Development Plan for the Goetz property based on the following findings: (a) That the proposed Preliminary/Official Development Plan meets the requirements of Sections 12-2-1 and 12-2-2 of the WMC; and (b) That the proposed use is consistent with existing and proposed future development in the area. The motion carried unanimously.

COUNCILLOR'S BILL NO. 36 - CHURCH RANCH CENTER ASSISTANCE PACKAGE:

A motion was made by Scott and seconded by Smith to pass Councillor's Bill No. 36 on first reading which authorizes the execution and implementation of the Assistance Agreement with Church Ranch Corporate Center for the construction of the 126,550 square foot business center, subject to final approval of the Official Development Plan. Charlie McKay was present to address Council. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 37 - CONFERTECH ASSISTANCE AGREEMENT:

A motion was made by Allen and seconded by Harris to pass Councillor's Bill No. 37 on first reading which authorizes the execution, implementation, and funding of the Assistance Agreement with ConferTech International for the construction of their additional building. Glen Siebert and Ellen Nelson, ConferTech representatives, and Robert Bruce of Pacifica Holding Company, were present to address Council. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 25 - CONTINGENCY TRANSFER FOR CONFERTECH AGREEMENT:

A motion was made by Dixon and seconded by Harris to adopt Resolution No. 25 authorizing the transfer of \$24,000 from the General Fund Contingency account into the Economic Development budget in the General Fund for implementation of the ConferTech Assistance Package. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 38 - CONFERTECH EASEMENT VACATION:

A motion was made by Dixon and seconded by Allen to pass Councillor's Bill No. 38 on first reading vacating a portion of a 30-foot wide utility/drainage easement within Lots 1 and 5, Block 7 of Park Centre Subdivision. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 26 - LIBRARY BOARD GUIDELINES:

A motion was made by Allen and seconded by Dixon to adopt Resolution No. 26 which formally approves the Guidelines for the Westminster Library Board. Library Board Chairperson Doris Walter was present to address Council. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 27 - JOINT WATER SYSTEM STUDY CONTINGENCY TRANSFER:

A motion was made by Harris and seconded by Scott to adopt Resolution No. 27 authorizing the transfer of \$40,000 from the Water Contingency account to the appropriate Utility Fund Capital Account and providing for a contribution of \$2,000 per home for the construction of up to 20 Water Wise Homes and participation in the Xeriscape Demonstration Project. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 39 - NAVAJO STREET SEWER APPROPRIATION:

A motion was made by Allen and seconded by Dixon to pass Councillor's Bill No. 39 on first reading appropriating \$20,000 contribution from Crescent Realty Investment Fund II, L.P. into the New Development Participation Capital Improvement Project account. Virginia Love, 2734 W. 118th Avenue, Ranch Country Club President, addressed Council with concerns about additional run-off onto the Ranch Golf Course detention area. Upon roll call vote, the motion carried unanimously.

NAVAJO STREET STORM SEWER INSTALLATION CONTRACT:

A motion was made by Allen and seconded by Dixon to authorize the City Manager to execute a contract with Crete Companies in the lump sum of \$30,000 for the installation of a storm sewer system within the Navajo Street right-of-way and charge all expenses including the City's \$10,000 share to the Street Participation Account in the General Capital Improvement Fund. The motion carried unanimously.

COUNCILLOR'S BILL NO. 40 - CHURCH DITCH COMPANY POWER OF ATTORNEY:

A motion was made by Harris and seconded by Allen to pass Councillor's Bill No. 40 on first reading authorizing the City Manager to act as agent for the City of Westminster in certain instances related to the acquisition, sale or conveyance of real property or any interest or right therein in the Church Ditch. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 28 - RECREATION FACILITIES FEES:

A motion was made by Dixon and seconded by Allen to adopt Resolution No. 28 adjusting fees and policies as described in the Agenda Memorandum. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 41 - POLICY ON RECREATION FEE ADJUSTMENTS:

A motion was made by Dixon and seconded by Allen to pass Councillor's Bill No. 41 on first reading authorizing the City Manager to make certain policy changes and future annual fee adjustments equal to the Denver-Boulder Consumer Price Index rate.

A Friendly amendment was made by Dixon and seconded by Allen to amend paragraph (C) of the ordinance deleting the words "rounded to the nearest twenty-five cents." Upon roll call vote, the motion as amended carried unanimously.

CITY PARK PHASE III LANDSCAPE ARCHITECT SERVICES:

A motion was made by Harris and seconded by Allen to authorize an expenditure in the amount of \$142,155 to DHM, Inc. for design services for City Park Phase III, and charge this expense to the appropriate account in the 1996 General Capital Improvement Project Fund. The motion carried unanimously.

MISCELLANEOUS BUSINESS:

Mayor Heil stated there would be an Executive Session concerning an Economic Development issue and a litigation update.

ADJOURNMENT:

The meeting was adjourned at 9:14 P.M.

ATTEST:

Mayor

City Clerk

Date: June 10, 1996
Subject: Meritorious Service Award
Prepared by: Lee Birk, Captain, Police Department

Introduction

Police Chief Dan Montgomery requests the assistance of Mayor Nancy Heil and City Manager Bill Christopher in presenting the Police Department's Meritorious Service Award to Officer John Marx.

Summary

The nomination for this officer was submitted to the Police Department's Awards Review Board for their review and approval.

The Board concluded that the actions taken by this officer directly resulted in the saving of a life, were decisive, exemplary and brought great credit to the department and the law enforcement profession.

Staff Recommendation

Present the Meritorious Service Award to Police Officer John Marx.

Background Information

On February 15, 1996, at approximately 4:10 p.m., the Westminster Tactical Team responded to the report of a suicidal party. Officer John Marx is a member of that Tactical Team and is the senior Hostage Negotiator on the Tactical Team. The suicidal subject was alone in his residence and had refused to come out. He was very depressed and exhibiting extreme feelings of helplessness and hopelessness. He was in possession of a loaded .38 caliber revolver. Officer Marx was able to establish phone contact with the subject and maintained vital communications with him. Officer Marx' skills and actions were textbook and exemplary. He maintained a professional, calm composure while allowing the subject to vent his emotions which reduced his suicidal impulses. After continued phone negotiations, the subject finally agreed to discontinue his actions and come outside.

After the incident the subject indicated he was extremely appreciative of Officer Marx. He indicated that he had actually had the "hammer back" on the handgun, but as a result of talking to Officer Marx he had decided not to pull the trigger. The subject credits Officer John Marx with saving his life and the actions of Officer Marx clearly were exemplary, decisive and heroic. They exemplify the highest standards of professional law enforcement.

Respectfully submitted,

William M. Christopher
City Manager

Date: June 10, 1996

Subject: Valorous Service and Distinguished Service Awards

Prepared by: Lee Birk, Captain, Police Department

Introduction

Police Chief Dan Montgomery requests the assistance of Mayor Nancy Heil and City Manager Bill Christopher in presenting the Police Department's Valorous Service Award to Sergeants Mike Kampf and Mike Spellman, Officers Dave Tallman, Tim Torres, Jim Buckner and Mark Yamashita. Assistance is requested also in presenting the Distinguished Service Award to Officers Tim Carlson and Jeff Sill.

Summary

The nominations for these officers were submitted to the Police Department's Awards Review Board for their review and approval.

The Board concluded that the actions taken by these officers involved extreme and significant risk, were decisive, exemplary and brought great credit to the department and law enforcement profession.

Staff Recommendation

Present the Valorous Service Award to Sergeants Mike Kampf and Mike Spellman, and Officers Dave Tallman, Tim Torres, Jim Buckner, Mark Yamashita. Also present the Distinguished Service Award to Officers Jeff Sill and Tim Carlson.

Background Information

On November 7, 1995, in the early morning hours, members of the Westminster Police Department responded to a residence on Garland Lane on the report of a barricaded gunman. What had begun as a domestic disturbance between a man and his wife had escalated into a barricaded, suicidal gunman holed up in his house. Members of the Westminster Police Department secured inner and outer perimeters around the home in question and began an evacuation of area residents to insure their safety. The Westminster Police Department Tactical Team was also activated and responded to the scene to deal with this crisis situation.

During this incident the barricaded gunman repeatedly fired from his residence out of windows and through the sides of the house. He attempted several times to ignite and/or blow up his own home through the use of gasoline, gunpowder and by turning on the sources of natural gas supply in the home. At one point the subject had broken a natural gas line in his home, allowing gas to fill the residence for the purpose of blowing up the house. Sergeants Spellman and Kampf and Officer Tallman were charged with the assignment of turning off the gas at the meter. Upon doing so, the subject began firing numerous rounds out the side of his residence. Many of these rounds struck very close to these officers. Officer Torres was also in very close proximity to these officers and had rounds strike close to him as well. All four officers returned suppressive fire and were forced to take cover.

Officers Buckner and Yamashita took up positions in the upstairs bedroom of a home across the street from the suspect's house. This was a strategic observation point from which they could observe the suspect's house and provide vital intelligence information to other officers on the scene. The subject apparently discovered the officers were in this residence as he began firing several rounds into this residence. Officer Buckner was forced to lay prone on the floor to avoid incoming rounds. Officer Yamashita also had a round strike very close to his location. The residence the officers were concealed in was struck six times by this gunfire. Several of these rounds passed extremely close to the officers' locations. Both officers returned suppressive fire to the suspect's house. It should be noted that prior to, during and after, these officers were taking direct fire near their locations yet they continued to relay vital intelligence information to other officers on the scene.

Officers Tim Carlson and Jeff Sill took up a surveillance position behind another residence. Their position did provide some concealment but very little cover. From this position they were able to relay intelligence information to the Command Post and to other officers on the scene. Rounds fired by the suspect struck the pavement in the immediate vicinity of these officers' location. These officers also returned fire and continued to provide vital intelligence information to the Command Post and other officers on the scene.

The subject was successful in establishing a fire in his residence. Sergeants Mike Spellman and Mike Kampf, and Officers Dave Tallman and Tim Torres comprised an entry team and made an entry into the smoking and burning home to locate the suspect. The smoke inside the home was so thick it was virtually impossible to see and the officers were required to wear breathing apparatus to enter the home. At one point during the search of the house, ammunition inside the residence began exploding and going off due to the fire. The officers, initially believing that they were being fired on by the suspect, returned suppressive fire as they rapidly retreated from the residence. Subsequently, hundreds of additional rounds "cooked off" due to the heat of the fire. The Fire Department then began to put water on the house while the entry team covered them. The entry team then re-entered the house. Upon entering, the officers found the living room floor was non-existent. As they ascended the stairway to the upstairs bedroom, burning debris was falling on the officers. The residence was severely damaged as a result of the fire and the suspect was subsequently found dead upstairs in a bedroom from a self-inflicted gunshot wound.

All the officers involved in this incident were subject to extreme or significant risk, yet they acted in a courageous, heroic and exemplary manner. Despite the extreme dangers these officers were exposed to, they performed their duties as required and with distinction to contain an extremely volatile and dangerous situation and to protect both their fellow officers, fire fighters and neighboring residents. The actions the officers took in this situation exemplify the highest standards of professional law enforcement.

Respectfully submitted,

William M. Christopher
City Manager

Date: June 10, 1996

Subject: Presentation of Council Service Recognition Pins

Prepared by: Michele Gallegos, City Clerk

Introduction

A presentation of City service pins to eligible City Council members has been scheduled for Monday night's meeting.

Summary

In January, 1990 City Council implemented a recognition program for City Council members to reflect their years of service as Council members. The recognition program for Council members is in 2 year increments to reflect elected terms of office increments. In 1990 service pins were presented to all eligible Council members for the first time.

There are members of City Council who have served a considerable number of years as City Council members. Length of service for the present City Council ranges from approximately seven months to over 22 years.

The intent of the presentation of Service Pins is to provide formal recognition to Council members who have achieved at least two years of service.

Staff Recommendation

City Manager presents City Service Recognition Pin to Mayor.

Mayor presents City Council City Service Recognition Pins to other Council eligible recipients.

Background Information

The City Council service pins are the same design as employee service pins which are made of high polished brass and are in the shape/design of the City logo. Each individual pin reflects the number of years of service on City Council for each recipient. The aggregate City service represented among the Council members is over 64 years. The following service pins are to be presented to Council members at Monday night's Council meeting:

Mayor Nancy Heil - 12 Yrs

Mayor Pro Tem Sam Dixon - 6 Yrs

Councillor Fred Allen - 22 Yrs

Councillor Ken Harris - 20 Yrs

Councillor Ann Merkel - 2 Yrs

Councillor Gary Smith - 2 Yrs

Respectfully submitted,

William M. Christopher
City Manager

Date: June 10, 1996
Subject: Citizen Communication - Roy Bernshausen
Prepared by: Michele Gallegos, City Clerk

Summary

Roy Bernshausen, who resides at 7150 Alcott Street, has requested time on Monday night's agenda to speak to City Council.

Mr. Bernshausen would like to talk to Council about the proposed park development plan at 72nd Avenue and Zuni Street (Skyline Vista Park).

Mr. Bernshausen has indicated that his presentation will be less than 5 minutes in length and therefore he has been listed on the agenda under item 5A.

Respectfully submitted,

William M. Christopher
City Manager

Date: June 10, 1996
Subject: Colorado Locksmith College Special Use Permit
Prepared by: Michele Gallegos, City Clerk

Introduction

City Council is requested to renew the special use permit for the Colorado Locksmith College.

Summary

Colorado Locksmith College, located at 4991 West 80th Avenue received a special use permit for a school facility in May, 1993. This facility is allowed to have a maximum of 10 students in each class.

In accordance with City Code requirements, an annual review of all Special Use Permits is required.

Staff Recommendation

Approve the renewal of the school special use permit for Colorado Locksmith College, located at 4991 West 80th Avenue for a one year period.

Background Information

As part of the City's review process, the Police Department activity and Code Enforcement activity are reviewed. During the past year, there have been no police calls or code enforcement violations at this location.

Respectfully submitted,

William M. Christopher
City Manager

Date: June 10, 1996

Subject: 72nd Avenue Improvements Electrical Facilities

Prepared by: Stephen C. Baumann, Assistant City Engineer

Introduction

City Council action is requested to authorize \$15,000 in funding for a contract amendment with Piper Electric Company, Inc. for the undergrounding of electrical services in Phase Three of 72nd Avenue Improvements project and for the expenditure of \$71,700 for street lighting and other facilities to be provided by Public Service Company in Phase Two of the same project.

Summary

A contract was previously approved for Piper Electric Company to place underground certain private electrical service lines at 72nd Avenue and Lowell Boulevard. The work is being done in conjunction with Public Service Company's efforts to place primary electric facilities underground along both streets. Additional electrical work worth \$15,000 needs to be included in the Piper contract in advance of the street improvement project there.

Public Service Company has estimated a cost of \$71,700 for street lighting and other electrical facilities which will be installed in the second phase (72nd Avenue/Irving Street) of the 72nd Avenue Improvements project area. Many of the electrical facilities have already been installed and the street light fixtures have been ordered and should be available for installation later this year.

Staff Recommendation

Authorize the City Manager to execute an amendment to increase the contract payment to Piper Electric Company, Inc. by \$15,000 for additional electrical work in Phase Three of the 72nd Avenue Improvements project; authorize the expenditure of \$71,700 to Public Service Company for street lighting and other electrical work in Phase Two and charge these expenses to the General Capital Improvement Fund project account.

Background Information

As part of the overall effort to place underground the electric and communication facilities that clutter the 72nd Avenue project area, the City has chosen to include at City cost undergrounding of electrical services to certain commercial and residential properties in the area. In some cases this is a necessity where service is taken from the primary facility that Public Service Company is moving. In other cases, it is an aesthetic judgment. Overhead facilities are common in the area, but Staff has sought to clear the overhead utility clutter all along the street corridor as it is reconstructed. In still other cases, it is a concession by which the City can expedite negotiations for right-of-way acquisition with a property owner.

These undergrounding activities have been pursued in each of the phases of the 72nd Avenue project to date and the results have been visually striking.

After receiving bids from three contractors, the City entered into an administrative contract with Piper Electric Company, Inc. for service work to eight properties in Phase Three at 72nd Avenue and Lowell Boulevard. Piper's bid was \$20,285.00. Since that time, Staff has determined that additional work on three other properties would also benefit the project. The additional work includes the undergrounding of service to a residence (7188 Lowell Boulevard) and two businesses (Aspen Motors and Carol Lee Donut Shop) and the relocation of parking lot lighting on the Aspen Motors property. In the case of Hudson and the Aspen Motors property, these changes are a result of continuing negotiations to finalize right-of-way acquisition.

The cost of this additional work is \$15,000.00 as proposed by Piper Electric. Staff has reviewed the proposal and it is in line with similar work being done under the original contract. The estimated cost of the parking lot lighting relocation, an \$8,000 item, is less than was estimated by the appraiser hired by the Aspen Motors owner. Staff has prepared a contract amendment and will implement these changes upon Council's approval.

Decorative street lighting is also an integral element of the streetscape design for the 72nd Avenue Improvements project. The lighting at 72nd Avenue and Federal Boulevard has been installed and Public Service Company has ordered fixtures for the second phase of the project at 72nd Avenue and Irving Street. The fixtures consist of 14 free-standing street lights and four matching luminaires for the traffic signal at 72nd Avenue and Irving Street. In addition, Public Service Company is installing service lines to serve the electrical fixtures which will be installed in the streetscape planters throughout the project. The total estimated cost for these facilities is \$71,700. Funds have been appropriated for this cost but must be authorized for expenditure so that installation can proceed.

Respectfully submitted,

William M. Christopher
City Manager

Date: June 10, 1996
Subject: Public Meeting on 1997 City Budget
Prepared by: Mike Simmons, Management Assistant

Introduction

City Council is scheduled to hold a public meeting to receive public input on the 1997 City Budget at Monday night's City Council meeting. Although City Staff will be preparing budget information for both 1997 and 1998, this meeting will focus only on 1997 citizen requests, comments and suggestions. The public meeting is a more informal opportunity for the public to give input on the City Budget.

Development and review 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 22 and September 9 so that citizens will have two more opportunities to comment and provide feedback on the 1997 City Budget. City Council must adopt the budget by the October 28 City Council meeting, in accordance with the City Charter.

Staff Recommendation

Hold a public meeting on the 1997 City Budget and receive citizen comments.

Background Information

Earlier this year, City Council identified focus areas to be pursued in 1997. In priority order, they are:

- > Economic Development (e.g. Mall, Growth, Water)
- > South Westminster Enhancements
- > Citizen Involvement (incl. Cultural Diversity)
- > Parks and Recreation
- > Public Safety

The direction provided by City Council assists City Staff as they prepare and review the proposed 1997 City Budget. Other considerations that go into developing a well-balanced 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 13 for their review. After reviewing the Proposed Budget for several weeks, City Council is scheduled to meet on September 27-29 to make final funding decisions on staffing levels, programs, services, and capital projects.

Two formal public hearings will be held on the 1997 Proposed City Budget to solicit citizen input. The first public hearing is scheduled for Monday, July 22, and the second hearing is scheduled for Monday, September 9.

Respectfully submitted,

William M. Christopher, City Manager

Date: June 10, 1996
Subject: Maple Place Subdivision Rezoning
Prepared by: David Falconieri, Planner III

Introduction:

City Council is requested to hold a public hearing, and later on the agenda pass the attached Councillor's Bill regarding the proposed rezoning of the Maple Place Subdivision from R-E - Residential Estate single family residential district, to R-1, also single family residential.

Summary

Applicant/Property Owner: Wayne Smith, owner and applicant.

Location: East of the Burlington Northern Railroad tracks, at 74th Avenue and Stuart Street (see vicinity map).

Size of site: 1.2 Acres

Description of Proposed Use: The applicant is requesting an R-1, residential district in order to build a maximum of eight single family home sites. The site may not be able to accommodate eight homes, but that determination would be made with the site plan required with the Official Development Plan (ODP), the next stage of the development process. Service commitments for this project would be from Category A, active residential, as an infill residential project since all of the area is already developed except for this property.

Major Issues:

On March 21, the City Council rezoned this property from Planned Unit Development (PUD) (Townhomes) to R-E at the request of the applicant. When the property was recently rezoned to R-E, the property owner said he was unaware of the 9,000 square foot minimum lot size, and has calculated that he could not complete the type of development that he had anticipated. He is therefore requesting the rezoning to R-1 which allows a minimum lot size of 7,700 square feet. Existing lots in the area average 8,500 square feet. Area residents have expressed their support for the proposed smaller lot sizes.

The Maple Place PUD was the subject of a lawsuit filed in 1984 which was settled out of court. The primary concern of the lawsuit was that public access be given to the adjoining property owners east of Stuart Street and all cost of improvements be paid by the applicants, not the neighbors. These issues will be addressed when an ODP is reviewed. When the ODP is approved, it will need to reflect the provisions of the Stipulation of Settlement (attached).

Planning Commission Recommendation

The Planning Commission heard this request on May 28th and unanimously recommended that the rezoning request to R-1 be approved. Four area residents attended, none speaking for or against this request.

Staff Recommendation

1. Hold a public hearing.
2. Pass Councillor's Bill No. on first reading pertaining to the rezoning of Lots 4 through 9, Block 3, of the Maple Place Subdivision from R-E to R-1, based on the following findings:
 - a. The requested zoning meets the requirements of Sections 11-2-1, 12-8-4 and 12-8-5 of the City Code;
 - b. The proposed use would be compatible with current and future proposed land uses in the area.

Background Information

Discussion of Major Issues

The adjacent lots of the Maple Place subdivision are zoned R-3, multiple family, but have been developed primarily with single family homes. The proposed R-1 single family designation would allow development comparable with the surrounding homes, but would still need to comply with the "Single Family Detached Design Guidelines" and the ODP review and approval process. When the property was recently rezoned to R-E, the property owner said he was unaware of the 9,000 square foot minimum lot size, and has calculated that he could not complete the type of development that he had anticipated. Staff has seen only a preliminary sketch of a possible lot layout that included eight lots, but did not include the street that must be built according to the Stipulation of Settlement referred to earlier. It is therefore not possible for Staff to comment on any possible lot arrangement until the ODP is reviewed. However, given the fact that the R-1 zone with 7,700 square foot lots is quite compatible with existing development in the area, and that the area residents expressed the desire at the neighborhood meeting that Mr. Smith consider smaller lots, Staff considers this request to be in the best interests of everyone involved.

When the Maple Place PUD was approved in 1984, several adjacent property owners filed suit against Mr. Smith and the City. They were concerned that their access to a public right-of-way (Stuart Street) along the rear of their properties would be cut off. Many of these neighbors use that access currently for access to recreational vehicle storage in the rear of their properties. The suit was settled out of court and Mr. Smith agreed to maintain the neighbors' access and provide gates along their back yards on Stuart Street. A copy of the "Stipulation of Settlement and for Dismissal" is attached. This document is still in effect and the proposed single family project will need to reflect these agreements when the ODP is submitted for review and approval.

Architectural/Building Materials: All homes built must conform with the the R-1 zone district specifications and the Single Family Detached Design Guidelines adopted by the City Council.

These will be specified on the ODP which will need to be prepared if the rezoning request is granted.

Public Land Dedication, Parks/Trails: Public land dedication of 10% of the property will be required or a cash-in-lieu of land dedication payment to the City. The City determines this during the ODP review.

At the March 18th City Council hearing, Mr. Smith asked that the Public Land Dedication be waived for this project due to various economic reasons. The City Council denied that request because it would establish a precedent and was not in the best interests of the City.

Access and Circulation: The property would need to be replatted if the rezoning request is approved. Access through the area was a neighborhood concern when the original PUD was approved in 1983. This concern remains, even with the rezoning request, and will need to be addressed through an agreement at the time the ODP is prepared. The neighbor to the east desires access to a public right-of-way, and does not wish to bear any of the street construction costs.

Site Design: Preliminary design maps show that a maximum of eight lots could be built using the minimum lot size of 7,700 square feet. However, when the ODP is reviewed, the number of lots that may be achievable could be fewer than that. The final lot layout would be determined by the ODP and final plat.

The requirements of the R-1 zone district and the Single Family Design Guidelines, are as follows:

	<u>R-1 District</u>	<u>Design Guidelines</u>
Lot Size	7,700 square feet	7,000 square feet
Lot Width	70 feet(85 foot corner)	none required
Front Setback	30 feet	22'
Side Setback	5 feet	7.5' one-story 10' two-story
Rear Setback	20 feet	22'
Heights	25 feet	none required

NOTE: In instances where the Single Family Design Guidelines require a greater setback, the larger setback will be required.

Signage: No signage is proposed for this development.

Service Commitment Category: A maximum total of eight service commitments would be required by this development. Because this project meets the definition of an "infill" project as defined in the revised Growth Management Program, Maple Place would currently qualify for Category A-1 service commitments.

Referral Agency Responses: No referral agency comments were received regarding this request.

Public Comments: Fourteen area residents attended a neighborhood meeting held on Thursday, February 22. All favored the rezoning if public access to the rear of their properties was maintained and that none of them would be assessed any street improvement fees. All of those present agreed that a smaller lot size than allowed in the R-E zone would be more compatible with existing residences, and they supported rezoning to an R-1 zone district.

Surrounding Zoning: Zoning to the north and east is R-3 (multiple family); to the south across the railroad tracks, R-3 (multiple family); and to the west across the tracks, R-A (single family). Although most the area is zoned for multiple family use, the area is primarily developed with single family homes.

Historical Information: This property was zoned PUD in 1983 with 22 townhome units permitted. From the time Mr. Smith purchased the property, his attempts at development were adversely affected by the City's growth management residential plan processing delays and the unfavorable market conditions in the late 1980's. The property was rezoned to the R-E zoning district on April 22, 1996.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. _____

SERIES OF 1996

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE REZONING LOTS 4, 5, 6, 7, 8 AND 9; BLOCK 3 MAPLE PLACE, COUNTY OF ADAMS, STATE OF COLORADO; TOGETHER WITH A PARCEL OF LAND LOCATED IN THE SOUTHEAST ONE-QUARTER, SOUTHWEST ONE-QUARTER, SECTION 31, TOWNSHIP 2 SOUTH, RANGE 68 WEST, OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF WESTMINSTER, ADAMS COUNTY, COLORADO.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

a. That an application for rezoning the property described below from City of Westminster R-E - Residential Estate to Westminister R-1 - Residential Single Family Detached zoning has been submitted to the City for its approval pursuant to Westminister 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 Westminister Municipal Code.

c. That based on the evidence produced at the public hearing, the City Council finds that the proposed zoning complies with all requirements of City Code, including, but not limited to, the provisions of Westminister Municipal Code 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 rezoning.

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 rezoning.

Section 2. The Zoning District Map of the City is hereby amended by reclassification of the property described herein hereto from City of Westminister R-E to City of Westminister R-1--Residential Single Family Detached.

Lots 4, 5, 6, 7, 8 and 9; Block 3 Maple Place, County of Adams, State of Colorado; together with a parcel of land located in the southeast one-quarter, southwest one-quarter, Section 31, Township 2 South, Range 68 West, of the Sixth Principal Meridian, of said Adams County, Colorado, more particularly described as follows:

Commencing at the northeast corner of said southeast one-quarter, southwest one-quarter; Thence southerly 30.10 feet to a point on the southerly right-of-way line of West 74th Avenue, as located in said Maple Place; Thence westerly along said southerly right-of-way 30.00 feet to the Point of Beginning of this legal description; Thence continuing westerly 84.87 feet to a point on the northeasterly right-of-way line of the Colorado and Southern Railroad; Thence southeasterly along said northeasterly right-of-way line 130.70 feet, more or less, to a point;

Thence northerly departing from said Railroad right-of-way 99.40 feet to the Point of Beginning and also that portion of vacated Raleigh Street being 30.00 feet wide and lying easterly and adjacent to the above described parcel of land, and all containing 1.199 acres more or less.

Section 3. Severability: If any section, paragraph, clause, word or any other part of this Ordinance shall for any reason be held to be invalid or unenforceable by a court of competent jurisdiction, such part deemed unenforceable shall not affect any of the remaining provisions.

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

Section 5. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 10th day of June, 1996

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this day of June, 1996

ATTEST:

Mayor

City Clerk

Maple Place (R-1)

Date: June 10, 1996
Subject: Goetz Annexation, Rezoning and PDP/ODP
Prepared by: David Falconieri, Planner III

Introduction

City Council action is requested on the application of Mary Goetz for annexation, zoning to Planned Unit Development, and approval of the combined Preliminary and Official Development Plan (PDP/ODP) for the Goetz property.

Summary

Applicant/Property Owner: Mary Goetz

Location: South side of 106th Avenue, 200 feet east of Dover Street.

Size of site: 3.94 Acres

Description of Proposed Use: Two Single family detached units.

Major Issues -

The property in question was subdivided in the County without benefit of the required subdivision plat, and two lots were created. One lot, a one acre parcel, was sold to the applicant's daughter who built a residence. The remaining 2.94 acres has not been improved. In order make the lot split legal, a subdivision plat must be approved by the City after annexation is approved.

This annexation and zoning is consistent with the Draft Wadsworth Boulevard Area Intergovernmental Agreement for the portion of the Jefferson County unincorporated area north of the Burlington Northern Railroad tracks, west of Wadsworth Boulevard. The residents wish for the densities to remain very low. The zoning proposed reflects the draft plan where the maximum residential density is one unit per acre. The local streets are not required to be developed to City standards and may remain more rural without curb, gutters and sidewalks.

Planning Commission Recommendation

The Planning Commission heard this request on May 28th and made a unanimous recommendation that the property be annexed and rezoned as requested to PUD, and that the combined PDP/ODP be approved as submitted. Two nearby residents appeared in objection stating that they did not wish their property to be annexed to the City. When it was explained that this action would not affect their property in any way, they did not have further objection.

Staff Recommendation

1. Hold a public hearing.
2. Adopt Resolution No. making certain findings of fact as required under Section 31-12-110, C.R.S.
3. Pass Councillor's Bill No. on first reading annexing the Goetz property to the City.
4. Pass Councillor's Bill No. on first reading rezoning the Goetz property from Jefferson County A-2 to Planned Unit Development in the City of Westminster.
5. Approve the proposed Preliminary and Official Development Plan for the Goetz property based on the following findings: (a) That the proposed Preliminary/Official Development Plan meets the requirements of Sections 12-2-1 and 12-2-2 of the WMC; and (b) That the proposed use is consistent with existing and proposed future development in the area.

Background Information

Discussion of Major Issues

The applicant in this case is requesting that the City annex and plat her property in order to formalize the lot split that occurred when she sold one acre of her property to her daughter ten years ago. She was not aware at that time that subdivision approval was required. This is similar to the recent case of Dave Sagel whose property was approved by the City Council for annexation in March of this year. That lot was also illegally split, but was subsequently annexed and platted in the City. The proposed PDP/ODP for the Goetz property will permit only one additional residence on the remaining 2.9 acres. Any changes in the future would require an amendment to the PDP/ODP. This property does not lie within the Jefferson County Airport Critical Zone and is, therefore, not impacted by any restrictions that may apply to that zone. The new house would be a custom home with a minimum of 30% brick, a minimum of 1,900 square feet (2,500 for 2-story) and a maximum height of 35 feet.

Architectural/Building Materials

Any new residence built on the vacant portion of this property will be required to meet all of the City's single family design guidelines which have been adopted by the City Council as part of the growth management program. The new home has not yet been designed, but will be a custom home.

Public Land Dedication, Parks/Trails

The Public Land Dedication will be satisfied by the dedication of ten percent of the property. The dedication will occur along the southern boundary of the property which abuts the City-owned Walnut Creek open space parcel. This dedication will be used to enhance the protection of the riparian habitat that is associated with that drainage way.

Access and Circulation

Access for both lots will be provided off of 106th Avenue which is a gravel road within unincorporated Jefferson County. In this area, County plans call for maintenance of existing road conditions in order to maintain the rural character. The applicant has agreed to provide additional right-of-way at this time for future road widening. However, curb, gutter and sidewalk improvements will not be required. The Goetz property lies in an area where the local residents are eager to maintain the rural aspects of the area as much as possible. In the recent neighborhood meetings held with the residents, there was unanimous consent to the notion that the internal streets in this area should not be improved to City Standards. 106th Avenue will not be included in this proposed annexation and will, therefore, remain the responsibility of the County to maintain.

Service Commitment Category

This development requires one additional service commitment which would be allocated from Category A. It qualifies as an infill development as defined in the growth management ordinance.

Public Comments

The enclave area has been the subject of several community meetings in which development for the entire area has been discussed in great detail. The residents in the area have expressed a strong desire for low density residential development to remain the only land use. They have repeatedly insisted that the agricultural and rural feel of the area be protected, and that the minimum lot size be one unit per acre. The proposed ODP will support those goals. Additionally, the proposed ODP will only formalize the two-lot split that was done without the benefit of a subdivision plat. Therefore, the approval of this ODP will not change the conditions that currently exist.

Surrounding Zoning

The property is surrounded on the north, east and west by land which is zoned A-2 in the County. To the south is the Walnut Creek floodplain and the Walnut Creek Center PUD.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

RESOLUTION

RESOLUTION NO

INTRODUCED BY COUNCILLORS

SERIES OF 1996

A RESOLUTION PURSUANT TO SECTION 31-12-110, C.R.S., SETTING FORTH THE FINDINGS OF FACT AND CONCLUSION OF CITY COUNCIL WITH REGARD TO THE PROPOSED ANNEXATION OF CONTIGUOUS INCORPORATED TERRITORY IN A PORTION OF THE SOUTHEAST 1/4 OF SECTION 10, TOWNSHIP 2 SOUTH, RANGE 69 WEST, OF THE 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO.

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

WHEREAS, City Council has previously adopted Resolution No. 16 finding the Petition to be in substantial compliance with the provisions of section 31-12-107(1), C.R.S., and;

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

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

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

1. The City Council finds:

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

2. The City Council further finds:

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

3. The City Council further finds:

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

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

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

PASSED AND ADOPTED this 10th day of June, 1996

ATTEST:

Mayor

City Clerk

Goetz

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO.

SERIES OF 1996

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN A PORTION OF THE SOUTHEAST 1/4 OF SECTION 10, TOWNSHIP 2 SOUTH, RANGE 69 WEST, OF THE 6TH MERIDIAN, COUNTY OF JEFFERSON, STATE OF COLORADO.

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

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

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

WHEREAS, City Council has heretofore adopted Resolution No. 16 making certain findings of fact and conclusions regarding the proposed annexation as required by Section 31-12-110, C.R.S., and now finds that the property proposed for annexation under the annexation Petition may be annexed by ordinance at this time; and

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

NOW, THEREFORE, the City of Westminster ordains:

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

A part of Tract 13, Mandalay Gardens, described as follows: Beginning at a point on the east line of said Tract 13, which is 354.00 feet south of the northeast corner thereof; Thence south along the east line of said Tract 13, 264.40 feet, more or less to the southeast corner thereof; Thence west along the south line of said Tract 13, 419.90 feet; Thence north, parallel with the east line of said, Tract 13, 613.22 feet, more or less, to a point on the north line of said tract which is 419.95 feet west of the northeast corner thereof; Thence east, along said north line, 173.85 feet to a point which is 246.10 feet west of the northeast corner of said Tract 13; Thence south parallel with the east line of said Tract 13, 354.00 feet; Thence east parallel with the north line of said Tract 13, 246.10 feet, to the point of beginning, County of Jefferson, State of Colorado. Said parcel of land contains 3.94 acres, more or less.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 10th day of June, 1996.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this day of June, 1996.

TEST:

Mayor

City Clerk

etz

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO.

SERIES OF 1996

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE ZONING LAW AND ESTABLISHING THE ZONING CLASSIFICATION OF CERTAIN DESCRIBED PROPERTY IN A PORTION OF THE SOUTHEAST 1/4 OF SECTION 10, TOWNSHIP 2 SOUTH, RANGE 69 WEST, OF THE 6TH P.M. COUNTY OF JEFFERSON, STATE OF COLORADO.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

a. That an application for the zoning of the property described below from Jefferson County A-1 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 Jefferson County A-1 to City of Westminster PUD--Planned Unit Development.

A part of Tract 13, Mandalay Gardens, described as follows: Beginning at a point on the east line of said Tract 13, which is 354.00 feet south of the northeast corner thereof; Thence south along the east line of said Tract 13, 264.40 feet, more or less to the southeast corner thereof; Thence west along the south line of said Tract 13, 419.90 feet; Thence north, parallel with the east line of said, Tract 13, 613.22 feet, more of less, to a point on the north line of said tract which is 419.95 feet west of the northeast corner thereof; Thence east, along said north line, 173.85 feet to a point which is 246.10 feet west of the northeast corner of said Tract 13; Thence south parallel with the east line of said Tract 13, 354.00 feet; Thence east parallel with the north line of said Tract 13, 246.10 feet, to the point of beginning, County of Jefferson, State of Colorado. Said parcel of land contains 3.94 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 10th day of June, 1996.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this day of June, 1996.

ATTEST:

Mayor

City Clerk

Goetz

Date: June 10, 1996

Subject: Councillor's Bill No. re Church Ranch Office/Showroom Project Assistance Package

Prepared by: Susan Grafton, Economic Development Manager

Introduction

City Council action is requested on the attached Councillor's Bill to approve a Business Assistance package for Church Ranch Corporate Center to help encourage the development of a one-story, 126,550 square foot office, showroom project at the northeast corner of Old Wadsworth Boulevard and 103rd Avenue. Approval of this assistance package through the attached ordinance is requested to allow the project to begin construction as quickly as possible but should be subject to final approval of the project's Official Development Plan (ODP).

Summary

Church Ranch Corporate Center, in partnership with Opus Northwest, will be building the new 126,550 square foot Church Ranch Business Center on 103rd Avenue just west of Nakamura Tome. Construction on Phase I is to begin in June 1996 with move-in expected in late 1996. The proposed assistance package will help minimize some of the initial cost of this project.

Staff Recommendation

Pass Councillor's Bill No. on first reading which authorizes the execution and implementation of the Assistance Agreement with Church Ranch Corporate Center for the construction of the 126,550 square foot business center, subject to final approval of the Official Development Plan.

Background Information

Church Ranch Corporate Center is finalizing plans for the proposed \$4.2 million, 126,550 square foot business center. Approval of the Official Development Plan is eminent. It is to be built just west of Nakamura Tome on 103rd Avenue. This project provides multi-tenant office/showroom/research and development space with contiguous spaces from 1,800 square feet to 40,000 square feet. Construction for the project is planned to begin in June. The office product being planned is similar in concept to the Lake Arbor Business Center near the Price Club and the Metro Tech in Park Centre adjacent to the Arabian Horse Center along 120th Avenue (see attached brochure). Opus Northwest will be assisting with financing and construction of the project.

The project, as proposed, will be built in two phases. Phase I includes buildings 1 and 2 and totals approximately 55,900 square feet of office space. Phase II will not be built until Phase I is completed and leased. Phase II will consist of buildings 3 and 4, for a total of 70,650 square feet.

This is an important project because of the current shortage of this type of office facility in the City. The City's current office vacancy rate is approximately 8% with only 1 - 15,000 square foot space available for lease for light industrial/R & D type uses in all of Westminster. Staff is currently unable to respond to many potential office users/small businesses because of lack of immediately available space.

The following assistance has been negotiated and agreed to by Church Ranch Corporate Center subject to City Council's approval:

	<u>Estimated Value</u>
<u>Phase I</u> - Buildings 1 and 2	
50% waiver of building related permit fees and use tax on construction (excluding water and sewer tap fees)	
\$21,469	
 <u>Phase II</u> - Buildings 3 and 4	
50% waiver of building related permit fees and use tax on construction (excluding water and sewer tap fees)	
\$25,185	
 Construction of a 10 foot concrete bike path adjacent to Walnut Creek in Church Ranch from where the trail ends at the Nakamura-Tome facility to Old Wadsworth Boulevard	
\$24,500	
 Church Ranch Corporate Center is to be allowed to phase in the construction of 103rd Avenue to coincide with the phasing of the project's development.	<u>N/A</u>
 Total assistance	\$71,154

The one time revenue directly attributed from this project breaks out as follows:

Building permit fees and use tax	\$93,308
Phase I - \$42,938	
Phase II - \$50,370	
 Water and sewer tap fees	\$142,698
Phase I - \$71,349	
Phase II - \$71,349	
 Tenant finish permit fees and taxes (1 time only)	<u>\$36,000</u>
 Total	\$272,006

Annual property tax on the real estate, as well as personal property tax and use tax will also be generated. That value, however, is difficult to determine without knowing the tenants. The revenues will vary over the years depending on the tenant mix.

As for the tenant mix and type of employment base the new center will provide, Staff looked at similar centers. The users were quite varied, including high-tech laboratories, engineering firms, financial advisors, real estate brokers, small manufacturers, and computer related services. Employment for 126,000 square feet of facility averaged around 590 persons with an average annual salary of \$30,000 to \$45,000.

The Church Ranch Corporate Center office/showroom project addresses the City's need for this type office product. City Staff regularly is unable to assist candidate companies wishing to locate in Westminster because space is not immediately available.

Church Ranch Corporate Center, along with Opus Northwest, has put together the financing and is willing to construct speculative (unleased) office space. With businesses still exiting Boulder because of that city's unstable business climate, it is thought to be to the City of Westminster's economic advantage to have office product available ready to lease. The only cash outlay required for this project by the City is the construction of the Walnut Creek trail. The funding for the trail is planned to be budgeted in the 1997 CIP budget.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO.

SERIES OF 1996

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AUTHORIZING AN ASSISTANCE AGREEMENT WITH CHURCH RANCH CORPORATE CENTER

WHEREAS, the successful attraction of high quality development to the City of Westminster provides employment opportunities and increased revenue for citizen services and is therefore an important public purpose; and

WHEREAS, it is important for the City of Westminster to remain competitive with other local governments in creating incentives for high quality development to locate in the City; and

WHEREAS, Church Ranch Corporate Center has indicated an interest in building the 126,550 square foot business center on 103rd Avenue; and

WHEREAS, a proposed Assistance Agreement between the City and Church Ranch is attached hereto as Exhibit "A" and incorporated herein by this reference.

NOW, THEREFORE, pursuant to the terms of the Constitution of the State of Colorado, the Charter and ordinances of the City of Westminster, and Resolution No. 53, Series of 1988, the members of the City Council of the City of Westminster direct and authorize the following actions by the City Staff:

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Manager of the City of Westminster is hereby authorized to enter into an Assistance Agreement with Church Ranch, subject to final approval of the Official Development Plan (ODP) for the project, in substantially the same form as the one attached as Exhibit "A," and upon execution of the Agreement to implement said Agreement.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 10th day of June, 1996.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this day of June, 1996.

ATTEST:

Mayor

City Clerk

ASSISTANCE AGREEMENT

FOR THE CONSTRUCTION OF THE CHURCH RANCH BUSINESS CENTER

THIS AGREEMENT is made and entered into this _____ day of _____, 1996, between the CITY OF WESTMINSTER (the "City"), and CHURCH RANCH CORPORATE CENTER ("Church Ranch).

WHEREAS, the City wishes to provide certain assistance to Church Ranch to aid in the construction of the Church Ranch Business Center within the City on property adjacent to 103rd Avenue; and

WHEREAS, City Council finds the execution of this Agreement will serve to provide benefit and advance the public interest and welfare of the City and its citizens by securing the location of this economic development project within the City.

In consideration of the mutual promises set forth below, the City and Church Ranch agree as follows:

1. The City shall waive the payment of 50% of the building and related permit fees, not including tap fees, required under W.M.C. Section 11-10-3(E), which will result from the construction of a 126,550 square foot office project, the first phase of which is to be completed no later than June 30, 1997. The value of the permit fee waiver is estimated to be \$15,624.

2. The City shall waive the payment of 50% of the building Use Taxes on the construction materials, which are to be used in the construction of the 126,550 square foot office project, required under W.M.C. sections 4-2-9 and 4-2-3. The value of the waiver is estimated to be \$31,030.

3. The City shall construct a 10 foot bike path adjacent to Walnut Creek in Church Ranch Corporate Center from where the trail ends at the Nakamura-Tome facility to Old Wadsworth boulevard.

4. The City shall allow Church Ranch to phase the construction of 103rd Avenue to coincide with the phasing of the Church Ranch Business Center. 103rd Avenue, along with all other required improvements, shall be built to its full width as required by the City Engineer and delineated on the ODP.

5. This Assistance Agreement shall terminate and become void and of no force or effect upon the City if Church Ranch has not completed construction of its first phase of the business center project on 103rd Avenue by June 30, 1997; or completed construction on the 2nd phase of this project by June 30, 2000..

6. In the event Church Ranch ceases business operations within the City within three (3) years after the new operations commence, then in such event Church Ranch shall pay to the City the total amount of fees and taxes which were due and payable by Church Ranch to the City but were waived by the City, as well as reimburse the City for all funds provided to Church Ranch pursuant to this Agreement.

7. This instrument shall constitute the entire agreement between the City and Church Ranch concerning the Church Ranch Business Center, and supersedes any prior agreements about the Church Ranch Business Center between the parties and their agents or representatives, all of which are merged into and revoked by this Agreement with respect to its subject matter.

8. Nothing in this Agreement shall be deemed or construed as creating a multiple fiscal year obligation on the part of the City within the meaning of Colorado Construction Article X, Section 20, and the City's obligations hereunder are expressly conditional upon annual appropriation by the City Council.

9. This Agreement shall be governed and construed in accordance with the laws of the State of Colorado. This Agreement shall be subject to, and construed in strict accordance with, the Westminster City Charter and the Westminster Municipal Code.

CHURCH RANCH CORPORATE CENTER

CITY OF WESTMINSTER

By _____
Charles C. McKay

Bill Christopher
City Manager

10050 Wadsworth Boulevard
Westminster, CO 80021

4800 West 92nd Avenue
Westminster, CO 80030

ATTEST:

Title

ATTEST:

Michele Gallegos
City Clerk

Date: June 10, 1996
Subject: ConferTech International Business Assistance Package
Prepared by: Susan Grafton, Economic Development Manager

Introduction

City Council action is requested on the attached Councillor's Bill to approve a business assistance package for ConferTech's new 60,000 square foot expansion. Council action is also requested to adopt a resolution authorizing a General Fund contingency transfer of funds for implementation of the agreement. Funds are available within the General Fund Contingency for this expense.

Summary

ConferTech will be building a new 60,000 square foot building adjacent to their existing building on Pecos Street in Park Centre (see attached map and site plan). Construction will begin in June and move-in is expected to begin by the end of 1996. The attached assistance package is designed to help defray some of the initial costs of the project.

Staff Recommendation

1. Pass Councillor's Bill No. on first reading which authorizes the execution, implementation, and funding of the Assistance Agreement with ConferTech International for the construction of their additional building.
2. Adopt Resolution No. authorizing the transfer of \$24,000 from the General Fund Contingency account into the Economic Development budget in the General Fund for implementation of the agreement.

Background Information

In July 1995, Bob Gill, at that time ConferTech's CEO, contacted City Staff and the Adams County Economic Development Corp. (ACED) to let us know of ConferTech's potential expansion (Donald Detample is now President of ConferTech, Bob Gill is no longer with the company). However, ConferTech's parent company, ALC Communications, Inc. was also looking at Detroit, Michigan and Columbus, Ohio for the possible expansion. Mr. Gill called to see what the City and County could do to help him compete for the project.

City Staff, in concert with ACED and Adams County School District #12, put together the following package:

Adams County	\$67,691 personal property tax credits/rebate over 4 years
School District #12	\$175,993 personal property tax rebate over 4 years
City of Westminster	\$138,800 use tax rebate, fee waivers and moving assistance

This is the first time the School District has ever participated with an economic development project.

ConferTech subsequently won the competition for the new call center/expansion to be in Westminster based on the combined County, School District, and City assistance. Planning and engineering documents have now been approved and construction documents are currently under review. The project will be built and owned by Pacifica Holding Company on property adjacent to ConferTech's existing building. Site planning shows that the buildings will be built in a campus-like setting with a shared plaza and enclosed pedestrian bridge connecting the two buildings. ConferTech is signing a long-term lease with Pacifica for the entire building. Move-in is anticipated for November 1996.

The project will be a \$5.4 million, 60,000 square foot building for a call center, video conference services and additional office space. A minimum of 150 new jobs will be created with a payroll of about \$3.7 million per year.

At move-in, over \$4 million in new equipment will be purchased for the facility generating \$130,000 in use tax for the City at 3.25%. It is also expected that at least \$200,000 per year will be spent for new equipment purchases. That will generate \$6,500 per year in use tax for the City.

City revenue from the project is estimated to be \$311,428 over the next five years. The following summary illustrates the City's projected revenue:

Building permit fees	\$34,400
Use tax on construction	63,200
Tap fees (water and sewer)	22,749
Use tax on new equipment at move-in	130,000
Annual use tax on new equipment over 5 years	32,500
Property tax on the new building (\$5.4 million x 29% x 3.65 mills x 5 years)	<u>28,580</u>
5 Year Total Revenue	\$311,428

The City's proposed assistance package to ConferTech includes the following:

Use tax rebate (55% rebate of use tax on new equipment purchased at move-in)	\$66,000
Permit fee waivers (50% waiver of building permit and related fees excluding tap fees)	17,200
Construction use tax waiver (50% waiver of the building use tax on construction)	31,600
Moving assistance (Cash provided to ConferTech at the issuance of the Certificate of Occupancy)	<u>24,000</u>
Total	\$138,800

The recommended business assistance package expense is projected to be recouped in less than one year.

ConferTech moved to the City in 1993 questioning whether they would need all the space they have in their existing building at 12110 Pecos Street in Park Centre. That building is now completely full and the company is leasing space in at least three other Park Centre buildings. This company is growing, as is much of the telecommunications industry. With the 60,000 square foot building, they will add, at a minimum, 150 employees for a total of 535. This will also free up considerable office space in other Park Centre buildings which can be used to attract new businesses. ConferTech is also already discussing additional growth plans. The investment the City made in this company in 1993 is paying off. The investment now, which includes fee waivers, tax rebate and only a \$24,000 cash outlay, will help to retain this very vital company and assist them through this exciting new growth phase.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

ASSISTANCE AGREEMENT
FOR THE CONSTRUCTION OF CONFERTECH INTERNATIONAL'S NEW
OFFICE BUILDING IN THE CITY OF WESTMINSTER

THIS AGREEMENT is made and entered into this _____ day of _____, 1996, between the CITY OF WESTMINSTER (the "City"), and CONFERTECH INTERNATIONAL.

WHEREAS, the City wishes to provide certain assistance to ConferTech to aid in the construction of their new office building within the City on property on 121st Avenue in Park Centre; and

WHEREAS, the proposed facility will employ approximately 150 employees with an annual payroll of over \$3.7 million; and

WHEREAS, City Council finds the execution of this Agreement will serve to provide benefit and advance the public interest and welfare of the City and its citizens by securing the location of this economic development project within the City.

In consideration of the mutual promises set forth below, the City and ConferTech agree as follows:

1. The City shall waive the payment of 50% of the building and related permit fees, not including tap fees, required under W.M.C. Section 11-10-3(E), which will result from the construction of a 60,000 square foot building to be completed no later than June 30, 1997. The value of the permit fee waiver is estimated to be \$17,200.

2. The City shall waive the payment of 50% of the building Use Taxes on the construction materials, which are to be used in the construction of the 60,000 square foot building, required under W.M.C. sections 4-2-9 and 4-2-3. The value of the waiver is estimated to be \$31,600.

3. The City shall reduce ConferTech's Use Tax obligation to the City either via a tax credit or rebate by 55%, but not to exceed \$66,000 on taxable items purchased for move-in and during the first six months following the issuance of a Certificate Occupancy. Whether to issue a tax credit or rebate will be decided by the City.

4. The City shall provide to ConferTech \$24,000 in cash at the time the Certificate of Occupancy is issued for the new 60,000 square foot building to help defray the cost of moving into the new building.

5. This Assistance Agreement shall terminate and become void and of no force or effect upon the City if ConferTech has not completed construction or moved into its new building by June 30, 1997.

6. In the event ConferTech ceases business operations within the City within three (3) years after the new operations commence, then in such event ConferTech shall pay to the City the total amount of fees and taxes which were due and payable by ConferTech to the City but were waived by the City, as well as reimburse the City for all funds provided to ConferTech pursuant to this Agreement.

7. This instrument shall constitute the entire agreement between the City and ConferTech, and supersedes any prior agreements between the parties and their agents or representatives, all of which are merged into and revoked by this Agreement with respect to its subject matter.

8. Nothing in this Agreement shall be deemed or construed as creating a multiple fiscal year obligation on the part of the City within the meaning of Colorado Construction Article X, Section 20, and the City's obligations hereunder are expressly conditional upon annual appropriation by the City Council.

9. This Agreement shall be governed and construed in accordance with the laws of the State of Colorado. This Agreement shall be subject to, and construed in strict accordance with, the Westminster City Charter and the Westminster Municipal Code.

CONFERTECH INTERNATIONAL

CITY OF WESTMINSTER

By _____

Donald Detample
President

Bill Christopher
City Manager

12110 North Pecos Street
Westminster, CO 80234

4800 West 92nd Avenue
Westminster, CO 80030

ATTEST:

ATTEST:

Title

Michele Gallegos
City Clerk

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO.

SERIES OF 1996

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AUTHORIZING AN ASSISTANCE AGREEMENT WITH CONFERTECH INTERNATIONAL

WHEREAS, the successful attraction of high quality development to the City of Westminster provides employment opportunities and increased revenue for citizen services and is therefore an important public purpose; and

WHEREAS, it is important for the City of Westminster to remain competitive with other local governments in creating incentives for high quality development to locate in the City; and

WHEREAS, ConferTech International has indicated an interest in building a new 60,000 square foot building in the City of Westminster adjacent to their existing building on Pecos Street; and

WHEREAS, ConferTech will employ approximately 150 at this new facility with an annual payroll of over \$3.7 million; and

WHEREAS, a proposed Assistance Agreement between the City and ConferTech is attached hereto as Exhibit "A" and incorporated herein by this reference.

NOW, THEREFORE, pursuant to the terms of the Constitution of the State of Colorado, the Charter and ordinances of the City of Westminster, and Resolution No. 53, Series of 1988, the members of the City Council of the City of Westminster direct and authorize the following actions by the City Staff:

Section 1. The City Manager of the City of Westminster is hereby authorized to enter into an Assistance Agreement with ConferTech International in substantially the same form as the one attached as Exhibit "A", and upon execution of the Agreement to fund and implement said Agreement.

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

Section 3. 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 10th day of June, 1996.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this ___ day of _____, 1996.

ATTEST:

Mayor

City Clerk

RESOLUTION

RESOLUTION NO.

INTRODUCED BY COUNCILLORS

SERIES OF 1996

A RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS FOR THE IMPLEMENTATION OF AN ASSISTANCE AGREEMENT WITH CONFERTECH INTERNATIONAL, INC.

WHEREAS, the successful attraction of high quality development to the City of Westminster provides employment opportunities and increased revenue for citizen services and is therefore an important public purpose; and

WHEREAS, it is important for the City of Westminster to remain competitive with other local governments in creating incentives for high quality development to locate in the City; and

WHEREAS, ConferTech International Inc. (ConferTech) has indicated an interest in building a new 60,000 square foot building within the City of Westminster in the Park Centre Business Park; and

WHEREAS, ConferTech will employ 150 at this new facility, with an annual payroll of over \$3.7 million; and

WHEREAS, a proposed Assistance Agreement has been developed between the City and ConferTech pursuant to which City funds are to be paid to ConferTech for various expenses related to their development.

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

Section 1. The City Manager is hereby authorized to transfer \$24,000 from the General Fund Contingency account into the Economic Development budget in the General Fund for the implementation of the ConferTech International, Inc. Incentive Agreement.

Passed and adopted this 10th day of June, 1996.

ATTEST:

Mayor

City Clerk

Date: June 10, 1996

Subject: Councillor's Bill No. re: ConferTech Easement Vacation

Prepared by: David R. Downing, City Engineer

Introduction

City Council action is requested on the attached Councillor's Bill to vacate a portion of an existing 30-foot wide utility/drainage easement located in the ConferTech site at Park Centre Subdivision.

Summary

A proposed building expansion at ConferTech's facility, located at the northeast corner of the intersection of Pecos Street and 121st Avenue in Park Centre Subdivision, will necessitate the vacation of a portion of an existing 30-foot wide utility and drainage easement that was previously dedicated to the public.

At the time of the proposed building expansion, the existing storm sewer and sanitary sewer utilities within this portion of the easement will be relocated, and a new easement will be provided. The attached vicinity map shows ConferTech's existing building, the proposed building, the existing easement, and the proposed easement that will contain the relocated utilities.

City Staff is in agreement with the owner's request that the subject portion of the easement be vacated. Naturally, this vacation will be conditional upon the City's receipt of a new utility/drainage easement along the alignment of the relocated utilities. The City Charter mandates that Council must approve vacations via ordinance, and the attached ordinance includes language the subject easement vacation conditioned upon the receipt of a new utility/drainage easement.

Staff Recommendation

Pass Councillor's Bill No. on first reading vacating a portion of a 30-foot wide utility/drainage easement within Lots 1 and 5, Block 7 of Park Centre Subdivision.

Background Information

The new 59,870 square foot, 3 story building will be located directly to the east of the existing ConferTech building at the northeast corner of 121st Avenue and Pecos, and will form a campus-like setting with a shared plaza area between the two buildings. In order to facilitate the plaza setting, the new building will be placed closer to the existing building than was anticipated on the original ODP approved in 1985, thereby necessitating an adjustment to the property line and the relocation of the existing utility lines.

The new building has been designed to be very similar in appearance to the existing building, and will include identical brick and window materials. One additional brick color has been added to the new building as an accent color. The new building will provide work space for a minimum of 150 additional employees.

The Westminster Municipal Code section 11-2-2(C) indicates that Official Development Plans (ODPs) for non-residential development of less than 20 acres may be approved by the City Manager. As such, approval of the ODP for the 3 acre facility is administrative.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. _____

SERIES OF 1996

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE VACATING A UTILITY/DRAINAGE EASEMENT WITHIN LOTS 1 AND 5, BLOCK 7 OF PARK CENTRE SUBDIVISION.

THE CITY OF WESTMINSTER ORDAINS:

WHEREAS, a certain 30-foot wide utility and drainage easement located within Lots 1 and 5, Block 7 of Park Centre Subdivision was previously dedicated to the public with the Park Centre First Replat as recorded in the Adams County Clerk and Recorder's Office in Book F14, Page 868; and

Section 1. City Council finds and determined that the public convenience and welfare require the vacation described in Section 2 hereof.

Section 2. A portion of a 30-foot wide utility/drainage easement located in the southwest one-quarter of Section 33, Township 1 South, Range 68 West of the Sixth Principal Meridian, City of Westminster, County of Adams, State of Colorado, being more particularly described as follows:

Commencing at the Northwest Corner of Lot 5, Block 7 of said "The Park Centre 1st Replat," Whence the Northerly Corner of Lot 1, Block 7 bears N57°00'00"W, a distance of 219.66 feet; Thence S00°14'40"W along the common line of said Lots 1 and 5 a distance of 35.00 feet to the Point of Beginning; Thence parallel with and 15.00 feet easterly and westerly of said common lot line, which bears 00°14'40"W, a distance of 226.05 feet to the point of terminus.

Containing 6,782 square feet or 0.1557 acres, more or less.

Section 3. This ordinance shall take effect upon its passage after second reading and upon the provision of a new easement for the City-owned and maintained utilities upon the property.

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 10th day of June, 1996.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this _____ day of _____, 1996.

ATTEST:

Mayor

City Clerk

Date: June 10, 1996
Subject: Resolution No. re Library Board Guidelines
Prepared by: Kathy Sullivan, Library Services Manager

Introduction

City Council action is requested to adopt the attached Resolution that would approve the Library Board guidelines for the conduct of their meetings.

Background Information

Attached for Council's review are the guidelines recently adopted by the City of Westminster Library Board for the conduct of its meetings. These guidelines were prepared by the Board in accordance with Section 2-4-3 (E) of the City Code, "Powers and Duties", which authorizes the Board to adopt, subject to approval of the Council, rules and regulations for the conduct of meetings of the Library Board.

Staff has reviewed the guidelines and have found them to be in compliance with Title II of the City Code.

Staff Recommendation

Adopt Resolution No. which formally approves the Guidelines for the Westminster Library Board.

Respectfully submitted,

William M. Christopher
City Manager

Attachment

RESOLUTION

RESOLUTION NO.

INTRODUCED BY COUNCILLORS

SERIES OF 1996

APPROVAL OF GUIDELINES FOR THE WESTMINSTER LIBRARY BOARD

WHEREAS, Pursuant to Section 2-4-3 (D) of the Westminster Municipal Code, the City Council shall approve the rules and regulations for the conduct of meetings of the Library Board; and

WHEREAS, The Library Board has considered the attached revisions to the Guidelines and adopted the attached revisions unanimously at their meeting on March 19, 1996; and

NOW, THEREFORE, be it resolved that the Westminster City Council does hereby approve the attached Guidelines for the Westminster Library Board.

Passed and adopted this 10th day of June, 1996.

ATTEST:

Mayor

City Clerk

**OPERATING GUIDELINES FOR THE
WESTMINSTER LIBRARY BOARD**

1. MEETINGS:

The Board shall meet at least six (6) times per year, the dates of meetings to be determined by the members.

2. QUORUM:

Four (4) regular members, or three (3) regular members and the alternate member, shall constitute a quorum. In the latter case, the alternate member shall be a voting member.

3. DUTIES OF THE OFFICERS:

The Chairperson shall preside at all meetings, appoint any committees, and prepare a meeting agenda which shall be distributed to all members at least one week prior to the meeting. The Chairperson shall serve as spokesperson for the Board or designate a member to speak on its behalf.

The Vice Chairperson shall act in the absence of the Chairperson.

4. MINUTES:

A record of the minutes of each meeting shall be kept and distributed to members prior to the next meeting. Approved minutes shall be submitted to the Office of the City Clerk for public inspection.

5. AMENDMENTS:

These rules may be amended at any meeting by a majority vote.

6. PARLIMENTARY AUTHORITY:

Business will be conducted in an informal manner with reference to ROBERT'S RULES OF ORDER when questions of procedure arise.

All regular members can vote on all questions.

MISSION STATEMENT OF THE WESTMINSTER LIBRARY BOARD

The City of Westminster Library Board serves as a link between the community, Library Staff and City Council in providing the best possible library and promoting its services to the people of Westminster. The Board is involved with long-range planning, freedom-to-read issues and the review of new programs.

Date: June 10, 1996

Subject: Resolution No. re HBA Joint Water System Study Contingency Transfer

Prepared by: Kelly DiNatale, Water Resources Manager

Introduction

City Council action is requested to adopt the attached Resolution which authorizes a transfer from the Water Contingency Account to the Joint Water Management System Study Capital Account. Funds for this transfer are available in the Water Contingency account.

This transfer is for the City's contribution to the construction of up to 20 "Water Wise Homes" that will be constructed as part of the Joint Water Management System Study with the Home Builders Association and participation in the Bureau of Reclamation and Metro Water Conservation, Inc. Xeriscape Demonstration Project.

Summary

The HBA has requested the City participate in the funding of the additional costs to construct up to 20 "Water Wise Homes" called for as part of the Joint Water Study. The Water Wise Homes would allow the collection of valuable information on potential water savings that could be realized through the utilization of best available technology in irrigation and water using appliances. The Water Wise Homes would have 1.6 gallon per flush toilets, 2.2 gallon per minute faucets, 2.5 gallon per minute shower heads, 22 gallon per normal load clothes washers, 8 gallon per load dish washers, instantaneous hot water system, soil moisture sensors for sprinkler and landscape irrigation systems and will educate the home buyer about the importance of water in Westminster. The HBA has estimated the hard dollar costs of the Water Wise Home to be \$4,000 over current costs plus additional soft dollar costs associated with the purchase and installation of these special order items.

Discussions with the HBA have led to a mutual agreement for City staff to recommend to City Council that the City contribute one-half or \$2,000 of the increased hard dollar costs. Since the additional costs were not factored into the initial scope of work of the Joint Water Study, it is proposed to fund the City's contribution from the Utility Fund Contingency Account. In addition, the Bureau of Reclamation and Metro Water Conservation, Inc. are sponsoring a Xeriscape demonstration project (see attached letter). The goals of this study are to 1) quantify the range of water savings on an annual and seasonal basis when Xeriscape is properly installed and maintained, 2) calculate the cost of installing Xeriscape landscapes, both for new construction and retrofit to existing landscapes and 3) determine the reliability of Xeriscape water savings. It is proposed to coordinate the efforts of the HBA Joint Water Management System Study with the Xeriscape Demonstration Project with total City contribution not to exceed \$40,000 for both efforts.

Staff Recommendation

Adopt Resolution No. _____ authorizing the transfer of \$40,000 from the Water Contingency account to the appropriate Utility Fund Capital Account and providing for a contribution of \$2,000 per home for the construction of up to 20 Water Wise Homes and participation in the Xeriscape Demonstration Project.

Background Information

The City of Westminster and the Home Builders' Association have jointly funded a study of the City's water system to 1) determine the water use characteristics of new residential development, 2) identify an effective water management program, and 3) to evaluate the potential for water conservation by existing and new development water users. The primary purpose of the study is to ascertain if a water conservation program can be instituted which accommodates the City's policies and meets its criteria for verifiable data, while considering the HBA's marketing and cost needs.

The total project budget is \$140,000, which has been funded equally from contributions from the City and the Westminster Home Builders/HBA. The City's contribution came from an appropriation of utility funds, and the HBA contribution came from a \$50 surcharge per service commitment equivalent placed on residential building permits. This project is scheduled to be completed by the end of 1997 with the analysis of water use data collected from the Water Wise Homes and compared to similar homes constructed according to current standards.

The goal of the project is to develop information regarding sustainable water supplies through increases in efficiency in existing and new homes. The following objectives for the project were derived after a series of meetings with the Westminster City Staff, the HBA and the consultants:

1. The Home Builders will construct new homes under the City's proposed new design guidelines that will permanently use less than the City's planning estimate.
2. Develop a tracking system, acceptable to the City for long-term use, that will allow Objective #1 to be monitored and proven. This tracking system will allow a comparison of new water-efficient homes to other new homes and existing residential developments and an evaluation of service commitments allocations from 1984 to the present.
3. Develop design and building code standards for new development that are acceptable to the City, HBA, and the public that will result in quantifiable and verifiable long-term reductions in water demands over current planning estimates.
4. Evaluate potential water conservation measures, acceptable to the City and the public, for existing water users that will result in quantifiable and verifiable long-term reductions in water demand for existing water customers.

The Study is one of the most extensive water conservation studies ever undertaken in the United States and will produce heretofore unavailable information about how much, where and when water is used in residences. It will also provide a benchmark for how much water can be saved and at what cost through the use of different water conserving appliances, fixtures and policies.

To meet the City's need to monitor water usage, the Study has produced a tracking system known as the Westminster Water GIS (geographic information system). This system relates information from the City's water billing and building permit databases and the County Assessors' databases to the City's parcel map. With this GIS tool, City staff can track water usage in various types of homes over long periods of time.

The Water Fund Contingency account currently has a balance of \$500,000.

Respectfully submitted,

William M. Christopher
City Manager

Attachment

RESOLUTION

RESOLUTION NO.

INTRODUCED BY COUNCILLORS

SERIES OF 1996

WHEREAS, City Council has previously authorized joint participation with the Home Builders Association on a Joint Water System Management Study, and

WHEREAS, It is in the best interest of the City of Westminster and its citizens to promote the wise and efficient use of scarce water resources, and

WHEREAS, City Council supports transfers from the Utility Fund due to unanticipated or additional costs, and

WHEREAS, the Utility Fund Contingency currently has a balance of \$500,000

NOW, THEREFORE, The Westminster City Council hereby resolves that:

\$40,000 be transferred from the Utility Fund Contingency to the appropriate Utility Fund Capital Account account as listed in the agenda memorandum dated June --, 1996 for the purpose of participating in additional data collection related to residential water conservation.

Passed and adopted this 10th day of June, 1996.

ATTEST:

Mayor

City Clerk

Date: June 10, 1996

Subject: Councillor's Bill No. and Funds re Navajo Street Storm Sewer

Prepared by: David R. Downing, City Engineer

Introduction

City Council action is requested to pass the attached Councillor's Bill to appropriate a \$20,000 contribution from Crescent Realty Investment Fund II, L.P. and authorize the expenditure of \$30,000 for the installation of a storm sewer within the Navajo Street right-of-Way. Funds for this expense are available in the New Development Participation Capital Improvement Project of the General Fund.

Summary

- > Crescent Realty Investment Fund II, L.P. has developed Park Vistas Subdivision within the City of Northglenn on the south side of 112th Avenue at Navajo Street (see attached map). This developer, under the belief that he had received permission from the downstream property owner, planned to discharge storm run-off from Park Vistas to the north side of 112th Avenue and directly onto undeveloped property located within the City of Westminster.
- > Over the past several months, all four parties (the Northglenn developer, the City of Northglenn, the Westminster property owner and City Staff) have debated the validity of the permission to discharge storm drainage from Park Vistas onto the northern private property.
- > In an effort to strike a compromise to this dispute, the parties have agreed upon a solution in which a new storm sewer pipe will be installed within the Navajo Street right-of-way to route the flow from Park Vistas around the private property in Westminster. The cost of this new storm sewer system is \$30,000. Crete Companies, the developer of property that abuts the east side of Navajo Street, has offered to install this system at cost in order to facilitate the dedication of the street right-of-way. The Northglenn developer will pay for \$20,000 of this cost; the City of Westminster will pay for \$10,000 of the cost; and the Westminster property owner will provide the Navajo Street right-of-way at no cost.
- > Upon the completion of the installation of the storm sewer, City Staff will establish a recovery agreement to collect the City's share of the funding for this project from future developers of the adjacent properties.
- > The attached Councillor's Bill accomplishes the supplemental appropriation of the \$20,000 contribution from the Northglenn developer into the New Development Participation Capital Improvement Project.

- > City Council action is also requested to authorize these funds from the Northglenn developer and another \$10,000 currently within the New Development Participation Capital Improvement Project to fund the installation of the subject storm sewer system.

Staff Recommendation

1. Pass Councillor's Bill No. appropriating \$20,000 contribution from Crescent Realty Investment Fund II, L.P.
2. Authorize the City Manager to execute a contract with Crete Companies in the lump sum of \$30,000 for the installation of a storm sewer system within the Navajo Street right-of-way and charge all expenses including the City's \$10,000 share to the Street Participation Account in the General Capital Improvement Fund.

Background Information

Over the past couple of years, Crescent Realty Investment Fund II, L.P. has developed the Park Vistas Subdivision within the City of Northglenn on the south side of 112th Avenue in the vicinity of Navajo Street. As is the case with most developments within the Denver-metro area, the City of Northglenn required this developer to build detention ponds on-site and release storm run-off at the historic rate (the rate prior to the time of development of the site). Also in conformance with generally accepted engineering standards, the developer was allowed to over-detain run-off that now flows to the southwest from the site in order to compensate for a portion of the property that releases undetained flows into the 112th Avenue right-of-way. While a higher than historic rate of run-off is released into the arterial street, the net release from the entire subdivision equals the historic rate. In this case, the unfortunate result of this generally accepted practice was a higher flow rate into the sub-basin that was tributary to property within the City of Westminster to the north of 112th Avenue.

Northglenn Staff and the developer reasoned that the higher than historic flow did not impact Westminster properties because of a restriction created by an undersized pipe carrying the flow from the south side of 112th Avenue to the north side.

Furthermore, the previous owner of the property within Westminster, Mr. Gene Lolly, had issued a letter to Crescent Realty before Park Vistas was developed in which he agreed to accept historic flow from the new subdivision. However, it is uncertain if the Northglenn developer achieved historic conditions and fully complied with the conditions of Mr. Lolly's permission with the proposed drainage scheme. Westminster City Staff and the heirs to Mr. Lolly (who died within the past year) contended that the drainage plan was inadequate. This disagreement came to a head earlier this Spring when the developer's contractor attempted to extend the undersized pipe crossing under 112th Avenue within Westminster right-of-way without approvals from the City.

After much debate and threatened lawsuits by the developer, the two City Staffs negotiated the settlement that is acceptable to all parties as described in this memo. At the intersection of future Navajo Street and 113th Avenue, this new storm sewer system will tie into a pipe that has been recently installed by Crete Companies, the developer of Apple Valley North Subdivision within the City of Westminster.

Crete Companies has also been a very interested party in these negotiations because Navajo Street would provide convenient access to the Apple Valley North development.

In an effort to entice the other parties to agree upon a drainage solution that would include the dedication of the Navajo Street right-of-way, Crete Companies offered to install the storm sewer at the very reasonable, lump sum cost of \$30,000. Because of their good relationship with the Apple Valley North Developer, the owners of the Lolly property also required that Crete Companies (someone who they trusted) be selected to perform this work before they would agree to dedicate the street right-of-way.

Under the proposed agreement, Crescent Realty Company would pay \$20,000 of this cost and the City of Westminster would fund the remaining \$10,000. Crescent Realty will have no right to collect any portion of their \$20,000 contribution in the future from developers within the City of Westminster, but the City did reserve the right to establish a recovery agreement for the \$10,000 share.

With Council's approval of the attached Councillor's Bill, the money received from Crescent Realty will be appropriated into the New Development Participation Capital Improvement Project. Sufficient funds exist within this project account to also fund the City's \$10,000 contribution.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. _____

SERIES OF 1996

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE INCREASING THE 1996 BUDGET OF THE GENERAL CAPITAL IMPROVEMENT FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 1996 ESTIMATED REVENUES IN THE FUNDS

THE CITY OF WESTMINSTER ORDAINS

Section 1. The 1996 appropriation for the General Capital Improvement Fund initially appropriated by Ordinance No. 2385 in the amount of \$14,590,129 is hereby increased by \$20,000 which, when added to the fund balance as of the City Council action on June 10, 1996, will equal \$15,616,140. The actual amount in the General Capital Improvement Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to the appropriation of funds received from a developer to fund installation of a storm sewer.

Section 2. The \$20,000 increase in the Capital Improvement 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>			
Cash in Lieu 75-0955-455	\$-0-	<u>\$20,000</u>	\$20,000
<u>EXPENSES</u>			
New Development Participation			
75-30-88-555-027	\$2,589,546	<u>\$20,000</u>	
\$2,609,546			

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 10th day of June, 1996.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this _____ day of June, 1996.6.

ATTEST:

Mayor

City Clerk

Date: June 10, 1996

Subject: Councillor's Bill No. re Church Ditch Company Power of Attorney

Prepared by: Kelly DiNatale, Water Resources Manager
Marty McCullough, City Attorney

Introduction

City Council action is requested to pass the attached Councillor's Bill on first reading which authorizes the City Manager to act as agent for the City of Westminster in certain instances related to the acquisition, sale or conveyance of real property or any interest or right therein in the Church Ditch.

Summary

The Church Ditch Company is a carrier ditch company owned by the City of Northglenn. The Church Ditch (ditch, right of way and related structures) is owned two-thirds by the City of Northglenn and one-third by the City of Westminster. In the other mutual ditch companies in which the City owns shares (Farmers Reservoir and Irrigation Company, Farmers' High Line Canal and Reservoir Company, Kershaw Ditch Company, Manhart Ditch Company) the board of directors approve the granting and acceptance of easements for canal realignments and special crossing permits and the exchange of property for ditch related purposes. Since the Church Ditch is not a mutual ditch company, transactions involving the acquisition, encumbrance or conveyance of real property for ditch related operations must be approved by the respective City Councils. The proposed power of attorney authorizes the City Manager to act as agent for the City of Westminster in certain instances related to the acquisition, sale or conveyance of real property or any interest or right therein in the Church Ditch and eliminates the need for City Council action on normal ditch related actions. The authority granted to the City Manager is limited to transactions involving 2.0 acres or less of the Church Ditch and to sales or conveyances which do not convey a fee interest, i.e., easements, crossing permits, and the like.

Staff Recommendation

Adopt Councillor's Bill No on first reading authorizing the City Manager to act as agent for the City of Westminster in certain instances related to the acquisition, sale or conveyance of real property or any interest or right therein in the Church Ditch.

Background Information

Westminster acquired a 1/3 ownership in the Church Ditch structure from Broomfield as part of the Broomfield Water Rights purchases. Northglenn owns the other 2/3rd of the Church Ditch structure. Northglenn acquired the Church Ditch from FRICO in the 1970's and transferred 1/3 of the ownership to Broomfield in the early 1980's.

The Church Ditch Company, owned by Northglenn is responsible for maintenance and operation of the Church Ditch.

The Church Ditch is a carrier ditch unlike the Farmers' High Line Canal and Reservoir Company and the Farmers Reservoir and Irrigation Company (FRICO) Croke Canal which are mutual irrigation companies. In a mutual irrigation company, the shareholders own prorata interests in the water rights and structures. In a carrier ditch company, the ditch and structures are owned by a company and contract ownership of inches or shares only gives the holder the right to receive annual deliveries of water prorata to their contract rights.

Westminster acquired 1,785 inches of Church Ditch contract rights from Broomfield, FRICO and Eagle Country Club in the past 3 years. This brings Westminster share of Church Ditch contract rights to 2,663 inches which is 47% of the contract rights. Northglenn owns 900 inches which is 16% of the contract rights

Respectfully submitted,

William M. Christopher
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. _____

SERIES OF 1996

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE GRANTING A POWER OF ATTORNEY TO AUTHORIZE THE CITY MANAGER TO ACQUIRE, SELL OR CONVEY CERTAIN REAL PROPERTY INTERESTS RELATED TO THE CITY'S OWNERSHIP OF THE CHURCH DITCH

WHEREAS, the City of Westminster and the City of Northglenn are co-owners of the carrier ditch known as the Church Ditch;

WHEREAS, the City of Westminster owns a one-third undivided interest in the Church Ditch, and the City of Northglenn owns a two-thirds undivided interest;

WHEREAS, from time to time the City of Westminster and the City of Northglenn are called upon to consider certain conveyances, encumbrances or acquisitions of real property related to the operation of the Church Ditch as it relates to adjacent private property or other utility interests; and

WHEREAS, the City Council desires to provide the City Manager with a power of attorney which authorizes the City Manager to acquire, encumber or convey certain real property on the City's behalf for Church Ditch-related operations;

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City hereby appoints and authorizes the City Manager to act as the City's agent in the acquisition, sale or conveyance of real property or any interest or right therein for Church Ditch-related purposes, to the extent such acquisition, sale or conveyance does not involve more than two (2) acres of the Church Ditch or a sale or conveyance of a fee interest in the Church Ditch. Such appointment shall be by power of attorney in the same form attached hereto as Exhibit A.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 10th day of June, 1996.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this _____ day of June, 1996.

ATTEST:

Mayor

City Clerk

POWER OF ATTORNEY

KNOW ALL BY THESE PRESENTS, that, subject to the limitation set forth below, the City of Westminster, a Colorado home-rule municipality, does hereby make and appoint the City Manager of the City of Westminster as its attorney and agent to acquire, purchase, contract for sale, encumber, grant, bargain, sell or convey any real property right or interests in the following described real property on behalf of the City of Westminster, to wit:

Any real property owned by the City of Westminster that is associated with the carrier ditch operations commonly known as the Church Ditch.

Further, the City Manager shall have the power and authority to make, execute, acknowledge and deliver contracts for sale, to collect such monies as may become due from such sales, and to make, execute, acknowledge, and deliver deeds, Deeds of Trust, and other instruments in writing of every kind and nature, including, but not limited to, exchange deeds, dedications and lending documents and statements, upon such terms and conditions as said attorney and agent may deem necessary and convenient to accomplish such sale, acquisition or conveyance of real estate or any interest or right therein. The City Manager shall have full power and authority to do and perform all acts necessary to be done to complete a sale, acquisition or conveyance of real estate or any interest or right therein, with full power of revocation, hereby ratifying and confirming all that said attorney shall lawfully do or cause to be done by virtue of this Power of Attorney and the powers contained herein.

LIMITATION: This Power of Attorney is expressly limited to prohibit any acquisition, sale or conveyance otherwise authorized by this appointment if such acquisition, sale or conveyance involves more than two (2) acres of the Church Ditch or involves a sale or conveyance of a fee interest in the Church Ditch.

Executed this _____ day of _____, 1996.

CITY OF WESTMINSTER

Mayor

Attest:

City Clerk

Date: June 10, 1996
Subject: Recreation Facilities Fees and Policies
Prepared by: Ken Watson, Recreation Facilities Manager

Introduction

City Council action is requested to authorize fee and policy adjustments to the City's four recreation facilities: City Park Recreation Center, Swim and Fitness Center, Countryside Recreation Center, and Kings Mill Pool. A proposal to allow an increase in fees over a period of two years is included in the attached Resolution and the Councillor's Bill attached gives the City Manager authority to adjust fees according to the metro area's Consumer Price Index (CPI). Also the ID card fee is to be adjusted to be consistent with Hyland Hills' fee.

Summary

The Staff Report dated May 6 described adjustments to admission fees, season pass fees, resident ID card fees, and the recognized age for senior citizen fees. The Staff Report also described the addition of a new, all-facility season pass, and suggested a policy change to rename the "Family" season pass to "Household" season pass. In addition, the Staff Report recommended that the City Manager be authorized to approve future annual adjustments of fees and policies, within certain guidelines.

City Council reviewed those suggestions and concluded a few changes as follows:

1. Recognized Senior Citizen age will be increased by one year effective January 1, 1997, and will continue to increase by one year increments each January 1 until the year 2000, when the recognized senior citizen age is 60 years.
2. The All-Facility Season Pass will cost 150% more than the City Park Recreation Center Season Pass.
3. The City Manager would have authorization to adjust usage policies (such as changing the description of a Family Season Pass to a Household Season Pass) and make annual adjustments to fees equal to the Denver-Boulder annual Consumer Price Index (CPI), rounded to a minimum of 25 cents, to assist in maintaining targeted revenue recovery percentages. If increases above the CPI are warranted, City Council will be asked to review and take action on proposed fee adjustments.
4. Staff is to establish target revenue recovery percentages for each of the four recreation facilities.

The attached resolution and ordinance include all of the previous adjustments and the changes requested by City Council.

Staff believes that the policy of establishing fees to be slightly below local comparable facilities will ensure that the citizens of Westminster will continue to receive excellent recreation services value.

Using the proposed fees, effective January 1, 1997, the fee for a Resident Adult Season Passholder at the City Park Recreation Center who uses the facility twice a week would break down to be \$1.73 per visit. The fee for a Resident senior citizen Season Passholder at the Swim and Fitness Center using the facility twice a week would equate to \$.67 per visit. Westminster's public recreation facilities will continue to be value priced even with the proposed fee changes.

The City's recreation facilities are of the highest quality in the country. Staff believes it is important to manage the facilities as a professional business would. Therefore, Staff recommends establishing minimum recovery rate targets using the following formula:

City Park Recreation Center	65%
Swim and Fitness Center	40%
Countryside Recreation Center	25%
Kings Mill Pool	15%

These target recoveries will assist in reducing the subsidy level of operating the facilities. The recovery percentages have been calculated by listing all known direct costs to the facilities' proposed increases, such as salaries, etc., and using projected revenues from these proposed fee increases. The target percentages are realistic, yet challenging amounts. These target recovery rates will be reviewed and monitored regularly to determine if a different recovery rate is appropriate given pricing policy, revenues, usage and other factors.

Staff will continue to closely monitor all expenses and revenue possibilities to ensure reaching the recovery rates and provide excellent guest service.

City Council suggested using the Denver-Boulder CPI for future fee adjustments and Staff will implement that for future years.

However, Staff is requesting Council to approve the proposed season pass fee adjustments for one-half of the increase effective January 1, 1997, and the remaining one-half effective January 1, 1998, to assist with a gradual transition to the new fees.

Staff reviewed the past 10 years' records of the CPI rates and calculated the impact those rates would have had on increasing the fees each year since 1986. The annual CPI rates worked fine with admission fees. However, using the CPI rates for the past 10 years would have left the Annual Season Pass short of the proposed fees by as much as 25%. Therefore, Staff believes the annual pass fees should be increased over the next two years, then the CPI can be used to determine the fees for maintaining recovery percentages subsequently.

Staff Recommendation

1. Adopt Resolution No. adjusting fees and policies as described.
2. Pass Councillor's Bill No. on first reading authorizing the City Manager to make certain policy changes and future annual fee adjustments equal to the Denver-Boulder Consumer Price Index rate, rounded to next twenty-five cents.

Background Information

On May 6, City Council reviewed a Staff Report with proposed changes to the City's recreation facilities' fees and usage policies. Using City Council's suggestions, Staff is requesting authorization of several fee and usage policy changes.

The Recreation Facilities Division is composed of four City-staffed facilities: City Park Recreation Center, Swim and Fitness Center, Countryside Recreation Center, and Kings Mill Pool. Since the facilities were first opened, starting in the mid-70s, fees have been assessed to all facility users.

The last adjustment of fees was made in 1988, when fees were actually lowered. The last time fees were increased was 1986. There have been some extenuating circumstances that interfered with adjusting fees prior to now. Both of the City's large indoor pool facilities were closed for extended periods over a five year span due to mechanical renovations and to deal with City Park's hypersensitivity pneumonitis (HP) problems, and a complete facility renovation at the Swim and Fitness Center. Given these two major closings and the fact that fees had actually been decreased in 1988, fees have not been adjusted within the past 10 years.

Since the re-opening of the City Park pool, and renovation of the Swim and Fitness Center, operating expenses have increased, usage of all facilities has increased, and revenue of facilities has increased. The demand for quality of life services, such as those provided at the recreation centers, increases each year. However, since fees have not been adjusted, the facilities's subsidy levels have also increased. Without cutting services, the only way to assist in maintaining or reducing the subsidy levels is to adjust fees and usage policies. The increases in fees and rates reflects a philosophy of putting more weight on "user pay". Recreational activities are of an enterprise nature and, in turn, warrant a higher percentage of the users paying the costs of operation.

Respectfully Submitted,

William M. Christopher
City Manager

Attachments: Resolution/Councillor's Bill

RESOLUTION

RESOLUTION NO.

INTRODUCED BY COUNCILLORS

SERIES OF 1996

A RESOLUTION OF THE CITY COUNCIL ESTABLISHING NEW FEES AND POLICIES FOR THE CITY'S FOUR RECREATION FACILITIES, CITY PARK RECREATION CENTER, SWIM AND FITNESS CENTER, COUNTRYSIDE RECREATION CENTER, AND KINGS MILL POOL, TO RESPOND TO MARKET CONDITIONS, MAINTAIN COMPETITIVE RATES, AND INCREASE REVENUE TO ASSIST WITH MAINTAINING TARGET RECOVERY PERCENTAGES.

WHEREAS, it is the intent of the City Council to adjust fees and policies to provide a fair recovery percentage and reduce the subsidy level at the recreation facilities; and

WHEREAS, Staff's recommended recreation facility target recovery rates are:

- City Park Recreation Center - 65%
- Swim and Fitness Center - 40%
- Countryside Recreation Center - 25%
- Kings Mill Pool - 15%; and

WHEREAS, it is the intent of the City Council to adjust fees and policies to provide marketable, competitive admission, season, and ID card fees that are slightly below "comparable" recreation facility rates; and

WHEREAS, it is the intent of City Council to adjust the Resident ID card fee to be consistent with the Hyland Hills Park and Recreation District ID card fee; and

WHEREAS, it is the intent of City Council to adjust the recognized age of Senior Citizens using the four recreation facilities mentioned by increments of one additional year of age per year for the next five years until it reaches 60 years of age.

NOW, THEREFORE, be it resolved by the Westminster City Council that the fees and policies at the City Park Recreation Center, Swim and Fitness Center, Countryside Recreation Center, and Kings Mill Pool be as per the attachment.

Passed and adopted this 10th day of June, 1996.

ATTEST:

Mayor

City Clerk

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. _____

SERIES OF 1996

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AUTHORIZING THE ESTABLISHMENT AND ADJUSTMENT OF FEES FOR THE DEPARTMENT OF PARKS, RECREATION AND LIBRARIES

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Section 13-2-7 of the Westminster Municipal Code is hereby amended to read as follows:

13-2-7: FEES AND DEPOSITS:

(A) Upon the granting of a permit under this Chapter, any fees or deposits required for the use of City parks, buildings, equipment and facilities shall be contained in said permit and said fees or deposits shall be paid by applicant prior to issuance of the permit. Fees for special equipment and/or personnel unknown at time of application will be billed after the activity when computation thereof is accomplished.

(B) THE CITY COUNCIL HEREBY FINDS THAT FROM TIME TO TIME, CHANGES IN FEES FOR USE OF CITY EQUIPMENT AND FACILITIES MUST BE MADE IN RESPONSE TO FEES CHARGED BY OTHER ENTITIES FOR SIMILAR EQUIPMENT AND FACILITIES, AND THE NEED FOR THE COSTS OF SUCH EQUIPMENT AND FACILITIES; THAT SUCH FEES MAY INCREASE OR DECREASE RAPIDLY IN RESPONSE TO MARKET CONDITIONS AND CITIZEN REQUESTS, AND THAT FLEXIBILITY IN SETTING THE CHANGING FEES IS NECESSARY TO REMAIN COMPETITIVE AND RESPONSIVE TO CITIZEN NEEDS. IT IS THE INTENT OF COUNCIL TO ESTABLISH A FLEXIBLE AND RESPONSIVE SYSTEM OF SETTING AND CHANGING FEES.

(C) THE CITY MANAGER IS HEREBY AUTHORIZED TO ANNUALLY ADJUST PARK, RECREATION AND LIBRARY USAGE POLICIES AND ANNUALLY ADJUST FEES BASED ON THE DENVER-BOULDER CONSUMER PRICE INDEX (CPI). SUCH FEES SHALL INCLUDE IDENTIFICATION CARD FEES, FACILITY SEASON PASS FEES, FACILITY AND PARK ADMISSION FEES, AND OTHER FEES FOR PARTICIPATION OR USE OF CITY EQUIPMENT OR FACILITIES.

(D) THE CITY MANAGER SHALL PERIODICALLY REVIEW THE COST OF PROVIDING SERVICES, FACILITIES AND EQUIPMENT FOR PARKS, RECREATION AND LIBRARIES, TO DETERMINE IF FEES SHOULD BE RAISED MORE THAN THE INCREASE IN THE ANNUAL CPI IN ORDER TO PROMOTE COST RECOVERY FOR SUCH SERVICES, FACILITIES AND EQUIPMENT FROM THOSE WHO USE THEM. IF THE CITY MANAGER DETERMINES THAT FEES SHOULD BE RAISED MORE THAN THE INCREASE IN THE ANNUAL CPI, THE CITY MANAGER SHALL REPORT TO THE CITY COUNCIL, WHO SHALL THEN APPROVE OR DISAPPROVE SUCH FEES BY RESOLUTION.

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 10TH day of June, 1996 AS AMENDED.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this _____ day of June, 1996.

ATTEST:

Mayor

City Clerk

Date: June 10, 1996

Subject: City Park Phase III Landscape Architect Services

Prepared by: Kirk Haines, Park Development Manager

Introduction

City Council action is requested to authorize an expenditure in the amount of \$142,155 to DHM, Inc. for landscape architect services for City Park Phase III. Funds for this expense are available from the 1996 General Capital Improvement Fund, City Park Phase III account.

Summary

City Council appropriated \$1 million into the 1996 Capital Improvement Project (CIP) Fund for the development of City Park Phase III. A portion of these CIP funds are being requested for additional City Park Phase III design fees due to justified expenses incurred by the consultant for increased scope of services from the original contract. Staff closely evaluated the additional fees proposal by the consultant and negotiated a reduced fee in the amount of \$142,155. Jefferson County Open Space (JCOS) funded the initial design fees in the amount of \$280,000 for the scope of services as outlined in the City Park Phase III request for proposal. However, the scope of services has increased from the original proposal which has generated increased fees to complete the design for the project.

Staff Recommendation

Authorize an expenditure in the amount of \$142,155 to DHM, Inc. for design services for City Park Phase III, and charge this expense to the appropriate account in the 1996 General Capital Improvement Project Fund.

Background Information

In 1994, the Jefferson County Board of County Commissioners agreed to enter into a partnership with the City of Westminster to master plan Standley Lake Regional Park and design City Park Phase III. The County allocated \$500,000 in 1995 to hire a landscape architect firm for both projects. DHM, Inc was selected as the most qualified firm for these projects and the County began negotiating a contract for their services. The total cost of the contract approved by the County Commissioners with DHM was \$687,500: \$280,000 for City Park Phase III and \$407,500 for Standley Lake Regional Park.

The \$280,000 design fee for City Park Phase III was based on 7% of a projected \$4 million project. Throughout the design/development phase, DHM and staff from JCOS and the City worked together in developing an exciting site plan for City Park Phase III which is both unique to the Denver Metropolitan Area and compatible with the goals established for the City Park Master Plan. Staff and consultants visited four softball complexes throughout the metropolitan area and evaluated the best features of each complex to develop a design that has the capability to be the envy of all park and recreation agencies.

The design and site plan, which was approved by Council and the County Commissioners earlier this year, is fully operational, maintainable and works extremely well with the existing site conditions to take advantage of the uniqueness of City Park. However, the projected cost estimate of this softball complex is approximately \$6.5 million.

Based on the negotiated fee with DHM at 7% of \$6.5 million construction costs, the total consultant service fee would be approximately \$455,000. In addition to the increased landscape architect services for the new Phase III cost estimate, there are additional engineering and flood control services that are required to construct a bridge over Hylands Creek. The new bridge location has changed from the original proposal due to traffic control and a relocation of access into private property south of 104th Avenue. Because the scope of work has been modified from the original proposal, additional design services are justified based on the increased size of the project and special engineering services which includes relocation of an access point into Phase III from 104th Avenue. Staff closely evaluated the additional fee request and renegotiated a fee of \$142,255. This represents approximately 6.5% of total estimated project costs and includes added engineering services. Staff believes these additional consultant fees are appropriate and acceptable.

DHM's request for additional fees was sent to JCOS and the City for response and follow up. Staff from JCOS indicated that it should be the City's responsibility to fund the additional scope of work due to the change of the program for the softball complex. JCOS has reviewed, negotiated and approved a similar proposal from DHM on the Standley Lake Regional Park project so there is shared financial responsibility from both agencies for each project. The additional services by DHM will be added to the existing contract between the County and DHM although the City will be paying for the work.

City Council could decide not to authorize the additional funds for design services to DHM, however, this would compromise the approved City Park Phase III design and leave the City with an unfinished set of construction documents. Based on Council's previous direction regarding the Phase III design, Staff has urged DHM to continue to develop construction drawings into two phases, or separate packages, so construction can start later this Fall within the level of budgeted funds. A second set of construction documents will also be developed to continue Phase III through completion of the project.

DHM's work continues to progress as construction documents are approximately 50% complete. The goal is to develop a Phase I construction document package which includes all earthwork, grading, ingress/egress from 104th Avenue, all flatwork including concrete walks, driveways and parking lots, and installation of preliminary utilities. The projected cost of this work is between \$1.5-\$2 million and is expected to begin this Fall. A second construction document package will also be developed over the next few months to continue with the remainder of the City Park Phase III project which is anticipated to begin two years after completion of the earthwork/grading project when funding is budgeted and available for the remainder of the work. The revision to DHM's design contract does cover both phases of the construction work.

Respectfully submitted,

William M. Christopher, City Manager

Date: July 10, 1996

Subject: US West Communications Inc., Perpetual Easement

Prepared by: Richard Dahl, Park Services Manager
Karin Van Daalen, Park Services Intern

Introduction

City Council action is requested to authorize the Mayor to execute one Utility Easement document. The easement would grant a permanent utility easement to US West Communications Inc. on City-owned property located at the Countryside Recreation Center. The purpose of this easement is to allow the right to construct, reconstruct, operate, maintain, and remove an electrical cabinet line.

Summary

The proposed electrical cabinet line will be located at a point 20 feet east and 630 feet south of the intersection of West 106th Avenue and Oak Street; a track of land in the Southeast Quarter of Section 9, Township 2 South, Range 69 West of 6th Principal Meridian, County of Jefferson, State of Colorado (See attached map).

By granting the easement, the City agrees to give US West Communications access to the area described by survey. The easement will be 15 feet by 15 feet square.

It is understood and agreed that the telecommunications facilities will be place in a location acceptable to the City.

The easement gives successors, assigns, lessees, licensees, and agents a perpetual easement and the right to construct, reconstruct, operate, maintain and remove telecommunications facilities upon, over, under, and across the described land.

Upon completion of construction work, US West Communications shall restore any disturbed surfaces to as near its original condition as possible, and cause a survey to be made at the company's expense describing the location of the pocket easement for the communication facilities as placed.

Staff Recommendation

Authorize the Mayor to execute the easement documents to grant a permanent easements to U S west Communications, Inc., Colorado.

Background Information

US West Communications of Colorado, through Henkels & McCoy, Inc., Right-Of-Way Agent, is requesting the City of Westminster, to grant a permanent easement. The location of this easement is adjacent to an existing Public Service Company electrical cabinet at the Countryside Recreation Center Park.

The easement location has been reviewed by Parks, Recreation & Libraries Staff and will not interfere with any operation or future development on City property.

Respectfully submitted,

William M. Christopher
City Manager

Attachments