



WESTMINSTER
COLORADO

AGENDA

SPECIAL CITY COUNCIL MEETING

MONDAY, JUNE 21, 1999 at 8:00 P.M.

- 1. Pledge of Allegiance**
- 2. Roll Call**
- 3. Purpose of Special Council Meeting**
 - A. Addendum to Westminster/Northglenn Standley Lake Pipeline Easement Agreement**
- 4. Adjournment**

June 16, 1999

To All Members of City Council:

A special meeting of the City Council has been set for Monday, June 21, 1999 at 8:00 P.M. at City Hall for the following purpose:

Addendum to Westminster/Northglenn Standley Lake Pipeline Easement Agreement

Sincerely,

Michele Kelley, CMC
City Clerk

June 16, 1999

Michele Kelley, City Clerk
City of Westminster
4800 West 92nd Avenue
Westminster, CO 80030

Dear Michele:

Please call a special meeting of the City Council for Monday, June 21, 1999 at 8:00P.M. to be held at City Hall for the following purpose:

Addendum to Westminster/Northglenn Standley Lake Pipeline Easement Agreement

Sincerely,

Nancy M. Heil, Mayor

CITY OF WESTMINSTER, COLORADO
MINUTES OF THE SPECIAL CITY COUNCIL MEETING
HELD ON MONDAY, JUNE 21, 1999 AT 8:05 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 Merkel and Councillors Allen, Dixon, Hicks and Smith. Also present were William Christopher, City Manager; Martin McCullough, City Attorney; and Michele Kelley, City Clerk. Absent was Councillor Atchison.

PURPOSE OF SPECIAL MEETING:

Mayor Heil stated the purpose of the special meeting was to consider an addendum to the Westminster/Northglenn Standley Lake Pipeline Easement Agreement.

ADDENDUM TO WESTMINSTER/NORTHGLENN STANDLEY LAKE PIPELINE AGREEMENT:

A motion was made by Dixon and seconded by Merkel to approve the addendum to the August, 27, 1979 Northglenn Pipeline Easement Agreement, providing for controls over land restoration, pipeline crossing improvements and use of the easement for trail purposes and authorize the Mayor to execute the addendum. The motion carried unanimously.

ADJOURNMENT:

The meeting was adjourned at 8:12 P.M.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

Date: June 21, 1999

Subject: Addendum to Westminster/Northglenn Standley Lake Pipeline Easement Agreement

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

Introduction

City Council action is requested to approve an amendment to the 1979 Northglenn/Thornton raw water pipeline easement agreement, providing for greater controls and protection along the pipeline easement and alignment through the City of Westminster.

Summary

In August 1979, the Cities of Westminster and Northglenn entered into an agreement allowing Northglenn and Thornton to install and operate a raw water pipeline from Standley Lake to the two cities' respective water treatment plants. Northglenn and Thornton plan to replace portions of this raw waterline this summer, prompting Westminster to seek additional controls and protection to adjacent City owned open space land and future private development properties. This addendum provides new controls and responsibilities for all three cities for any future public improvements constructed on or over the raw water pipeline, by requiring Northglenn to share in any such costs with Westminster on a fifty-fifty (50/50%) basis. The addendum also requires full and complete restoration of the easement following construction activities by Northglenn and Thornton and allows Westminster to use the Northglenn easement to expand the Westminster trail system.

Staff Recommendation

Approve the addendum to the August 27, 1979, Northglenn Pipeline Easement Agreement, providing for controls over land restoration, pipeline crossing improvements and use of the easement for trail purposes and authorize the Mayor to execute the addendum.

Background

In August 1979, the cities of Northglenn and Thornton constructed a raw water pipeline from Standley Lake to each city's water treatment plants to carry their raw water to treatment facilities. Northglenn and Thornton now need to replace segments of the pipeline. In the process, there will be disturbances to Westminster's adjoining open space, requiring restoration on the easement and adjoining land. In some locations, private development adjacent to the pipeline easement will require easement crossings for water, sewer, utility or storm drainage facilities. In addition, Westminster desires to use the Northglenn/Thornton easement for trail system connections and extensions.

The recommended addendum to the original easement agreement addresses all these issues, for Northglenn and Thornton, and Westminster and sets forth specific obligations and responsibilities by all parties to efficiently and effectively management the pipeline easement for the benefit of Westminster and the City's private land owners and developers.

Alternative

Alternatives to approving this addendum include; 1) addressing each easement use issue on a case by case basis, 2) not assigning specific responsibilities to Northglenn and Thornton for land restoration or 3) separating the use of the easement by Westminster for trail system use from the three cities policies regarding pipeline use, controls and protection.

This is a time sensitive matter for Northglenn and Thornton as they have advertised for construction bids and are ready to award the contract. The decision is also important and time sensitive to Church Ranch Development on their planned multi story office buildings filing. The existing easement crosses Church Ranch and needs to be relocated for the new easement/pipeline.

Respectfully submitted,

William M. Christopher
City Manager

Attachment

**ADDENDUM TO AGREEMENT DATED AUGUST 27, 1979 BETWEEN THE
CITIES OF WESTMINSTER AND NORTHGLENN, COLORADO**

THIS ADDENDUM to the Agreement entered into between the City of Westminster, Colorado ("Westminster") and the City of Northglenn, Colorado ("Northglenn") on August 27, 1979;

WITNESSETH:

WHEREAS, Westminster and Northglenn (the "Cities"), on August 27, 1979, entered into an Agreement (the "Agreement") addressing the construction of the Standley Lake Pipeline (the "Pipeline") and certain easements required therefore; and

WHEREAS, the Pipeline is the primary source of drinking water for the residents of the City of Northglenn and a substantial source of drinking water provided to the residents of the City of Thornton, Colorado; and

WHEREAS, the Cities wish to clarify the duties of each as they relate to restoration of areas disturbed by the maintenance or repair of the Pipeline, the measures to be taken to protect the integrity of the Pipeline during construction on the surface above the Pipeline and to agree to an exchange of easements to facilitate relocation of a portion of the Pipeline;

NOW, THEREFORE, in consideration of the mutual promises herein contained the Cities agree as follows:

1. **Restoration.** In addition to Northglenn's obligations pursuant to paragraph 6 of the Agreement, Northglenn agrees that it shall, for all non-emergency repair, maintenance, or other excavation of the Pipeline, provide Westminster's Department of Public Works with no less than seventy-two (72) hours notice of the proposed work, and for emergency work, notice as soon as practical. At the conclusion of such work, if Westminster feels that the disturbed area has not been restored in accordance with the requirements of paragraph 6 of the Agreement, it shall give notice to Northglenn, specifying the additional restoration work reasonably required. Should Northglenn fail to perform such restoration work within twenty-one days (unless extended because of the season or weather conditions), Westminster may perform such restoration necessary to comply with the requirements of paragraph 6 of the Agreement and Northglenn shall reimburse Westminster for the actual costs thereof.

2. **Pipeline Crossings.** Westminster and other parties constructing public improvements on behalf of Westminster have the right to construct public improvements, including but not limited to streets, water lines, sanitary sewer lines, un-improved trails, and storm sewer lines, over and across the Pipeline and its associated easement. The construction of such public improvements shall be at approximately perpendicular crossings of the Pipeline and shall be appropriately designed to protect the pipeline, taking into consideration its age and general condition, in conformance with accepted standard engineering practices in the utilities industry. If Northglenn believes that the design standards are not sufficient to adequately protect the pipeline and requests that Westminster or other parties provide additional permanent protection in excess of such accepted engineering standards in the utilities industry, Northglenn shall be responsible for reimbursing Westminster fifty percent (50%) of the actual and reasonable additional costs incurred by Westminster in complying therewith.

3. **Easements.** The parties have agreed to convey, exchange and vacate certain easements to facilitate the relocation and repair of a portion of the Pipeline which easements are described on Exhibit A hereto.

4. **Agreement to remain in full force and effect.** Except as expressly modified or amended herein, the Agreement and each of its terms and provisions shall remain in full force and effect.

IN WITNESS WHEREOF, the Cities have executed this Agreement this ____ day of _____, 1999.

CITY OF WESTMINSTER:

Nancy Heil, Mayor

ATTEST:

Michele Kelley, City Clerk

APPROVED AS TO FORM:

Martin McCullough, City Attorney

CITY OF NORTHGLENN:

D. L. Parsons, Mayor

ATTEST:

Diana Lentz, City Clerk

APPROVED AS TO FORM:

Herbert C. Phillips, City Attorney

Summary of Proceedings

Summary of Proceedings of the Special City Council meeting held Monday, June 21, 1999 at 8:05 P.M.

Present at roll call were Mayor Heil, Mayor Pro Tem Merkel and Councillors Allen, Dixon, Hicks and Smith. Absent was Councillor Atchison.

Council approved an amendment to the 1979 Westminster/Northglenn Standley Lake Pipeline Easement Agreement.

At 8:12 P.M. the meeting was adjourned.

By order of the Westminster City Council
Michele Kelley, CMC, City Clerk
Published in the Westminster Window July 1, 1999.