

June 23, 1997
7:00 PM

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

1. **Pledge of Allegiance**
2. **Roll Call**
3. **Consideration of Minutes of Preceding Meeting**
4. **Presentations**
 - A. Distinguished Service and Meritorious Service Award
 - B. Presentation of 25 Year Award to Carol Milow
5. **Citizen Communication (5 minutes or Less in Length)**
 - A. Community Action Awareness Team
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. Big Dry Creek Trail at 128th Avenue Design Contract
 - B. 76th Avenue Water Line Encasement
 - C. CB No. 32 re Center Greenhouse PUD Rezoning (Scott-Merkel)
 - D. CB No. 34 re Rental Income (Harris-Smith)
 - E. CB No. 35 re Big Dry Creek Trail Grant Reimbursement (Harris-Allen)
9. **Appointments and Resignations**

None
10. **Public Hearings and Other New Business**
 - A. Councillor's Bill No. 36 re Refunding Lakeview Apts IDR
 - B. Councillor's Bill No. 37 re Dynamic Data Systems Assistance Package
 - C. Councillor's Bill No. 38 re Countryside Youth Little League
 - D. Contract re Countryside Youth Little League Ballfields Project
 - E. Comprehensive Banking Services
 - F. 1996 Comprehensive Annual Financial Report
 - G. Resolution No. 36 re McKay Lake Area Land Acquisition
 - H. Audiovisual Materials for College Hill Library
 - I. Councillor's Bill No. 39 re Carryover/Incentive Funds
 - J. Councillor's Bill No. 40 re Public Nuisance Enforcement
 - K. Councillor's Bill No. 41 re Liquor Licensing Fees
11. **Old Business and Passage of Ordinances on Second Reading**
 - A. CB No. 33 re Comprehensive Land Use Plan (Merkel-Smith)
12. **Citizen Presentations (5 Minutes + in Length) & Miscellaneous Business**
 - A. May, 1997 Financial Report
 - B. City Council
 - C. Request for Executive Session
13. **Adjournment**

CITY OF WESTMINSTER, COLORADO
MINUTES OF THE CITY COUNCIL MEETING
HELD ON MONDAY, JUNE 23, 1997 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE:

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

ROLL CALL:

Present at roll call were Mayor Heil, Mayor Pro Tem Dixon and Councillors Allen, Harris, Scott and Smith. Also present were William Christopher, City Manager; Martin McCullough, City Attorney; and Michele Kelley, 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 June 9, 1997 with no additions or corrections. Mayor Pro Tem Dixon requested to abstain as she was not present at the meeting. The motion carried with 5 aye votes and Mayor Pro Tem Dixon abstaining.

A motion was made by Allen and second by Harris to accept the minutes of the meeting of June 16, 1997 with no additions or corrections. The motion carried unanimously.

PRESENTATIONS:

Mayor Heil, City Manager Bill Christopher and Police Chief Dan Montgomery presented the Distinguished Service Award to Senior Police Officers Mark Lindberg and Eric Knopinski, and the Meritorious Service Award to Officer Patrick Welsh.

Mayor Heil presented a \$2,500 check to Carol Milow in recognition of her 25 years of service to the City of Westminster.

CITIZEN COMMUNICATION:

George Hovorka, 7523 Dale Court, Chairperson of the Community Action Awareness Team (CAAT) introduced CAAT Treasurer Phil Ashbrenner, Phyllis Ashbrenner and Vice President Eleanor Scott to Council. Mr. Hovorka requested \$5,000 funding from the City for the CAAT program.

Carl Walazak, 3725 W. 78th Avenue, requested the City look into a telephone harassment case that was heard by the Municipal Court concerning a Westminster resident.

Terry TenEyck, 10885 Buena Vista Drive, submitted a letter in opposition to the City's Comprehensive Land Use Plan.

CITY COUNCIL COMMENTS:

Mayor Pro Tem Dixon attended the Ice Cream Social that was held at the Main Library and the Official dedication for Clare of Assisi Assisted Living facility.

CONSENT AGENDA:

The following items were considered as part of the Consent Agenda: Big Dry Creek Trail at 128th Avenue: Authorize City Manager to sign a contract with Loris & Associates, in the amount of \$34,700 for design and engineering services related to the Big Dry Creek Trail Project, include a \$3,500 project contingency and charge expense to the appropriate project account in the 1997 General Capital Improvement Fund;

76th Avenue Water Line Encasement: Authorize City Manager to execute a contract between the City and BT Construction, Inc, in the amount of \$56,500 for the 76th Avenue Water Line Encasement for water system improvements, authorize a project budget of \$56,500 with a contingency budget of \$10,000, and charge the appropriate project accounts in the 1997 Water Operating Budget; Councillor's Bill No. 32 re Center Greenhouse PUD Rezoning; Councillor's Bill No. 34 re Rental Income; and Councillor's Bill No. 35 re Big Dry Creek Trail Grant Reimbursement.

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 Allen to adopt the consent agenda items as presented. The motion carried unanimously.

ORDINANCE NO. 2517 - REFUNDING LAKEVIEW APARTMENTS IDRIB:

A motion was made by Dixon and seconded by Allen to adopt Councillor's Bill No. 36 as an emergency ordinance authorizing the issuance of \$7,110,000 in tax-exempt multi-family housing revenue bonds for the Lakeview Apartments Project. Nate Eckloff of Hanifen, Imhoff Inc, the City's financial advisor, and Leon Martin, one of the owners of the property, were present to address Council. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 37 - DYNAMIC DATA SYSTEMS ASSISTANCE PACKAGE:

A motion was made by Allen and seconded by Dixon to pass Councillor's Bill No. 37 on first reading which authorizes the execution and implementation of the Assistance Agreement with Dynamic Data Systems Inc. for the construction of a new office building. Brad Smith, President of Dynamic Data Systems, was present to address Council. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 38 - COUNTRYSIDE LITTLE LEAGUE BALLFIELDS:

A motion was made by Scott and seconded by Dixon to pass Councillor's Bill No. 38 on first reading appropriating \$210,000 into the General Capital Improvement Fund and authorize a project budget of \$560,000 for construction of the Countryside Youth Little League ballfields. Tom Roemersberger, 10421 W. 102nd Avenue, representing the Countryside Youth Little League, addressed Council in favor of the project. Upon roll call vote, the motion carried unanimously.

CONTRACT FOR COUNTRYSIDE LITTLE LEAGUE BALLFIELDS PROJECT:

A motion was made by Scott and seconded by Dixon to authorize the City Manager to approve a contract with All Phase Landscape Contractors in the amount of \$366,314 and Fence Consulting Services, LLC for \$64,981 and add a 10% contingency; and approve a total construction budget of \$560,000 for the construction of the Countryside Youth Little League ballfields. The motion carried unanimously.

CONTRACT FOR COMPREHENSIVE BANKING SERVICES:

A motion was made by Allen and seconded by Dixon to authorize the Finance Director to negotiate an extension to the existing contract with Norwest Bank for comprehensive banking services for the period of July 1, 1997 through September 30, 1998, and authorize the City Manager to execute all such documents as may be required by this transaction. The motion carried unanimously.

1996 COMPREHENSIVE ANNUAL FINANCIAL REPORT:

A motion was made by Harris and seconded by Scott to accept the 1996 Comprehensive Annual Financial Report of the City of Westminster as audited by Grant Thornton, Certified Public Accountants. The motion carried unanimously.

RESOLUTION NO. 36 - MCKAY LAKE AREA LAND ACQUISITIONS:

A motion was made by Scott and seconded by Allen to adopt Resolution No. 36 authorizing the City Manager and City Attorney to proceed with the acquisition of sufficient lands for the construction of McKay Lake storm drainage improvements, open space and trail use, including through eminent domain, if necessary. Upon roll call vote, the motion carried unanimously.

AUDIOVISUAL MATERIALS FOR COLLEGE HILL LIBRARY:

A motion was made by Dixon and seconded by Allen to authorize the expenditure of up to \$73,520 from the College Hill Library project account for the purchase of audio and video tapes for the new library. The motion carried unanimously.

COUNCILLOR'S BILL NO. 39 - 1996 CARRYOVER/INCENTIVE APPROPRIATIONS:

A motion was made by Allen and seconded by Harris to pass Councillor's Bill No. 39 on first reading appropriating additional 1996 carryover funds into the 1997 budgets of the General, Fleet, Sales & Use Tax, Open Space, Conservation Trust, General Capital Improvement Projects Fund, and Utility Funds. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 40 - PUBLIC NUISANCE ENFORCEMENT:

A motion was made by Harris and seconded by Allen to pass Councillor's Bill No. 40 on first reading amending Section 8-4-2 of the Westminster Municipal Code which will provide for issuance of a Municipal Summons and Complaint for violation of Public Nuisance Codes. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 41 - LIQUOR LICENSE FEES:

A motion was made by Allen and seconded by Dixon to pass Councillor's Bill No. 41 on first reading amending the Municipal Code to amend the liquor licensing fees. Upon roll call vote, the motion carried unanimously.

ORDINANCE NO. 2518 - COMPREHENSIVE LAND USE PLAN:

A motion was made by Dixon and seconded by Allen to adopt Councillor's Bill No. 33 on second reading incorporating the following revisions: 1. The land use designation for an approximate 7 acre parcel of land near the southeast corner of 88th Avenue and Federal Boulevard owned by the Pillar of Fire Church be changed to "Office" from "Single Family Attached Residential". 2. In light of an error in County ownership records, defer action on that part of the Central Area portion of the Plan located north of 116th Avenue and west of Sheridan Boulevard until June 30, 1997. 3. The land use designation of an approximately 4 acre parcel at the southwest corner of Wadsworth Parkway and Independence Drive, owned by the Bruchez Family, be changed to "Office" from "Office/Residential". 4. The text describing the "Office/Residential" land use designation should be changed as follows (underlined words represent suggested revisions):

"Areas designated for Office/Residential are intended for professional and commercial offices and moderate density residential uses, located in a low-scale development that is compatible with surrounding residential neighborhoods. Support commercial, including restaurants and limited retail uses such as pharmacies and office supply facilities, may be allowed as a conditional use but only when developed in conjunction and accessory to office uses. Commercial support uses are limited to 10 percent of the total building area and are restricted to 50 percent of the ground floor of a building. Developments in this category should be either residential or office with residential densities not to exceed 10 dwelling units per acre. Buildings will be limited to 2 1/2 stories. A combination of office/residential uses may be considered if the total area to be developed is a contiguous 10 acres or more." In addition, Staff and City Council discussed the Schoenberg Farms/Tepper property, located at the northwest corner of 72nd Avenue and Sheridan Boulevard. City Council concluded that the land use designation be changed from "Office/Residential" to "Commercial", not to exceed 15 acres in area with the frontage along Sheridan Boulevard not to exceed 600 feet and this revision be incorporated within the Comprehensive Land Use Plan map. Upon roll call vote, the motion carried unanimously.

A Special City Council meeting will be held on Monday, June 30, 1997 at 6:30 P.M. in the City Council Chambers to take action on that part of the Central Area portion of the Plan located north of 116th Avenue and west of Sheridan Boulevard.

MISCELLANEOUS BUSINESS:

Council reviewed the Financial Report for May 1997.

ADJOURNMENT:

The meeting was adjourned at 8:15 P.M.

ATTEST:

Mayor

City Clerk

Date: June 23, 1997

Subject: Distinguished Service and Meritorious Service Award

Prepared by: Matt Raia, Police Captain

Introduction

Police Chief Dan Montgomery requests the assistance of Mayor Nancy Heil and City Manager Bill Christopher in presenting the Police Department's Distinguished Service Award to Senior Police Officer Mark Lindberg, Senior Police Officer Steve Erosky, Senior Police Officer Eric Knopinski, and the Police Department Meritorious Service Award to Police Officer Patrick Welsh.

Summary

The nomination of these officers was submitted to the Police Department's Awards Review Board for their review and approval. The Board concluded that the actions taken by Officers Lindberg, Erosky and Knopinski involved significant risk and were performed with distinguished duty. The actions taken by Officer Welsh involved the saving of a life and were performed with meritorious duty.

Staff Recommendation

Present the Distinguished Service Award to Senior Police Officer Mark Lindberg, Steve Erosky, and Eric Knopinski; and present the Meritorious Service Award to Officer Patrick Welsh.

Background Information

Officer Lindberg:

On August 2, 1996, at approximately 7:30 a.m., the Police Department's Communications Center aired a burglary in progress call in the 7600 Block of Quitman Street. A suspect vehicle was in the driveway and the suspects were inside the residence. Neighbors observed a vehicle back up to the house and watched as three males kicked in the front door. The males removed several shotguns and handguns from the house and were ultimately interrupted by Senior Police Officer Mark Lindberg, who was the first officer on the scene. Officer Lindberg was riding his police motorcycle at the time and immediately aired his observations to other officers who were responding. Officer Lindberg stopped his motorcycle in the street, partially blocking the street with the hope that the suspects would stop their vehicle. However, the suspect vehicle sped up and the driver aimed his vehicle directly at Officer Lindberg who was still sitting astride the motorcycle.

Within a split second, Officer Lindberg realized that substantial risk of death was imminent and knowing that he had no time to take evasive action, Officer Lindberg drew his service weapon and fired at the oncoming vehicle. The driver, ducking down to avoid being shot, swerved the vehicle and narrowly avoided striking Officer Lindberg.

The suspect vehicle continued south on Quitman Street with Officer Lindberg in pursuit until the officer lost sight of the vehicle. Other responding officers located the vehicle and pursued it until the driver crashed the vehicle into a utility pole at 72nd Avenue and Tennyson Street. The suspect exited the vehicle and ran north on Tennyson Street with officers in foot pursuit. All three suspects were eventually taken into custody by the Westminster Police Department.

A search of the suspect vehicle revealed loaded firearms that had been taken from the residence on Quitman Street. It was also discovered that the vehicle being driven by the suspects was a stolen vehicle.

The deliberate act of the suspect driver in an attempt to drive into Officer Lindberg involved substantial risk to Officer Lindberg's life. Officer Lindberg's response to the use of deadly force against him was appropriate under the circumstances. Officer Lindberg performed with bravery and self-sacrifice, clearly illustrating a willingness to risk his life in the performance of his duty. His actions directly resulted in the arrest of three dangerous suspects, and the recovery of stolen property.

Officer Lindberg's actions warrant the award of the Westminster Police Department Distinguished Service Award.

Officers Steve Erosky and Eric Knopinski:

On March 31, 1997, Senior Police Officers Steve Erosky and Eric Knopinski were dispatched to a report of a domestic disturbance. When they arrived at the residence, they contacted a female in front of the residence. She informed the officers that her husband was intoxicated and was causing problems. She further reiterated that she had locked him out of the residence, but he had broken the window out of the back door and re-entered the house. At this point, she became fearful and exited the residence.

While the officers were speaking with the woman, her husband appeared at the front window of the house and began to make taunting gestures to the officers and then disappeared. Senior Police Officer Steve Erosky went to the side of the residence to look through a window in an attempt to locate the individual, and Senior Police Officer Eric Knopinski went to the front door of the residence and began knocking on the door. Without warning, the individual appeared through a gate from the back yard, holding a large butcher knife. He began threatening Officer Erosky with the knife and telling him he was going to stab him, and stating, "if you want me, you'll have to kill me." Officer Erosky drew his weapon and ordered him to drop the knife and not move. The individual immediately turned and ran back through the gate, pulling it shut behind him. His wife informed the officers that her 77 year old father, who is restricted to a wheelchair, was in the residence and she feared for his safety.

Believing that the individual fled back into the house with a butcher knife, both officers developed a tactical plan to approach and enter the residence. Even though this incident had rapidly deteriorated to the point where other officers were needed, and the Tactical Team may need to be called, the officers believed that an immediate entry was essential due to the danger facing the elderly gentlemen inside. Officer Knopinski drew his gun, opened the back door of the residence, and looked inside.

He saw the individual standing approximately three feet away, holding the butcher knife, and his back against the wall next to the door. This action was an apparent attempt to conceal his presence in order to ambush the officers when they entered the house. Officer Knopinski pointed his gun at the individual and ordered him to drop the knife. The subject finally dropped the knife after being ordered twice to do so. However, he refused to comply with the officers orders to move away from the knife. Officers Knopinski and Erosky then entered the residence to take the individual into custody. The individual pulled away and began to fight with the officers. During the struggle, Officer Erosky was struck in the head and face by the subject. After being sprayed with O.C. Pepper Spray by Officer Knopinski, the individual was taken into custody.

Although this was a situation where the officers would have been justified in using deadly force against the individual, he was taken into custody with minimal injury to himself and the officers. It will never be known if the officers actions saved a helpless elderly man from serious injury or death. The individual involved in this incident was 6'2" tall, weighed 230 pounds and was intoxicated. The actions of these two officers warrant the award of the Westminster Police Department Distinguished Service Award.

Senior Police Officer Patrick Welsh

On April 11, 1997, Officer Patrick Welsh was dispatched to a report of a three year old female in convulsions and not breathing. Upon arrival, Officer Welsh found the toddler unconscious and not breathing. When the officer checked her airway, he found it to be obstructed. He swept the airway clear with his finger, and initiated mouth-to-mouth resuscitation. However, the airway was still obstructed. Officer Welsh turned the toddler over, patted her back, and successfully cleared her airway, and she began to breath. Westminster Fire Paramedics arrived shortly thereafter and transported the child to the hospital.

The three year old is alive and well today as a direct result of Officer Welsh's actions. The officers quick and decisive actions warrant the award of the Westminster Police Department Meritorious Service Award for performing an act which directly results in the saving of a life.

Respectfully submitted,

William M. Christopher
City Manager

Date: June 23, 1997

Subject: Presentation of 25 Years of Service Award

Prepared by: Nancy Alberts, Accounting Manager

Introduction

City Council action is requested to present a \$2,500 check to Payroll Clerk, Carol Milow, in recognition of her 25 years of service to the City of Westminster. Funds have been specifically allocated in the 1997 Accounting Division's budget for this expense.

Summary

Carol Milow began her career with the City on July 7, 1972 as a clerk cashier and deserves this special recognition for her 25 years of outstanding service to the City of Westminster.

Staff Recommendation

Mayor Heil present a \$2,500 check to Carol Milow for her 25 years of service to the City of Westminster.

Background Information:

On July 7, 1972, Carol Milow became employed as a clerk cashier, with a salary of \$418 a month. She has spent her entire career with the City as an employee of the Finance Department. She came to the City from Square D Electrical Equipment and left "because there was not enough work to keep her busy." During her early years with the City, Carol was responsible for both payroll and accounts payable. Although the job of handling both payroll and accounts payable eventually became too much, Carol still volunteered to help with the Shaw Heights water rate calculations, debt payment, tracking of refunded bond issues, and tracking and paying all of the medical and dental insurance.

Carol started payroll on an old bookkeeping machine. Everything was done by hand. In 1977, Carol processed 526 W-2's and the gross salaries were \$3.5 million. In 1996, Carol processed 1,379 W-2's with a gross payroll of over \$28 million. Since 1972, the payroll system has gone through 3 major conversions. Over the years, Carol has received numerous awards and special recognition from every supervisor she has worked for. In 1977, Wilkie Miller, City Treasurer, stated that "there is little question as to the ability of Carol Milow. She has consistently achieved an outstanding level of work, completing her objectives quickly and efficiently. She takes complete responsibility for her work and is most knowledgeable in her work area. She has the respect of her fellow employees in Finance as well as other departments..." In 1975, Marian Christiansen stated, "No, she can't walk on water--maybe she hasn't tried...However, Carol's attitude has never been less than great towards the City, her job and her fellow employees."

Carol is an active board member of the General Employee's pension plan and continues to strive for perfection in performing her job duties.

She has stated many times that she still loves her job, even after 25 years. I have found Carol to be extremely dependable. She is here rain or shine and many times during the most recent system conversion, was here on weekends to see that the system was functioning as it should. Carol is always courteous and helpful to her fellow employees and treats each as an individual.

In her own quiet way, she sets an example of professionalism every day.

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

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

Respectfully submitted,

William M. Christopher
City Manager

Date: June 23, 1997

Subject: Community Action Awareness Team

Prepared by: Michele Kelley, City Clerk

Introduction

George Hovorka, Chairman of the Community Action Awareness Team (CAAT), has requested time on Monday night's agenda to speak to City Council.

Mr. Hovorka would like to give City Council the Community Action Awareness Team annual report at this meeting.

Mr. Hovorka 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 23, 1997
Subject: Big Dry Creek Trail at 128th Avenue Design Contract
Prepared by: Philo Shelton, Park Project Engineer

Introduction

City Council action is requested to authorize the City Manager to approve an engineering contract with Loris and Associates in the amount of \$34,700 for design and construction documents for the Big Dry Creek Trail underpass at 128th Avenue, east of Zuni Street, and two pedestrian bridges (see attached map), and authorize a 10% project contingency of \$3,500. Funds for this expense are available in the 1997 General Capital Improvement Fund, Trail Development account.

Summary

In May, a Request For Proposal (RFP) for design and engineering services was prepared for the Big Dry Creek Trail underpass at 128th Avenue and for two pedestrian bridges located just north and south of 128th Avenue. Twelve consultants were invited to propose on the project and eight consultants attended the mandatory pre-proposal meeting. Five consulting firms submitted a proposal for the project having professional service fees ranging from \$34,196 to \$49,942. The following is a list of consultants who proposed on the Project:

Loris & Associates	\$34,700	
Sear-Brown Group	\$36,150	
MK Centennial	\$40,352	
Parsons Transportation Group	\$42,563	
HNTB		\$49,942

Staff met with the lowest cost proposer, Loris & Associates, and determined that their proposal for the requested scope of work was thorough and complete. Loris and Associates was the consultant used for Little Dry Creek Trail and has proved to be a competent trail design consultant. Therefore, the low cost proposal of \$34,700 submitted by Loris & Associates is considered a good proposal.

Staff Recommendation

Authorize the City Manager to sign a contract with Loris & Associates, in the amount of \$34,700 for design and engineering services related to the Big Dry Creek Trail Project; include a \$3,500 project contingency; and charge this expense to the appropriate project account in the 1997 General Capital Improvement Fund.

Background Information

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

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

If City Council authorizes the contract with Loris and Associates, it is anticipated that construction can start on the 128th Avenue underpass and bridges this December and be completed by March 1998 prior to increase flows on Big Dry Creek. The park construction crew will then tie into this project and connect the Amherst and Casa De Estates neighborhoods to Big Dry Creek Trail. This last trail connection will complete the City's obligation for the second trails grant mentioned above.

Respectfully submitted,

William M. Christopher
City Manager

Attachment: Project area map

Date: June 23, 1997
Subject: 76th Avenue Water Line Encasement
Prepared by: Jack Rudey, Utilities Field Operations
Gary Wright, Construction Crew Foreman

Introduction

City Council action is requested to award the bid for the 76th Avenue Water Line Encasement to BT Construction, Inc.; authorize the City Manager to execute a contract between the City of Westminster and BT Construction, Inc., for the 76th Avenue Water Line Encasement; and authorize a budget of \$56,500 for water system improvements and \$10,000 for a contingency budget. Funds are available for these expenditures in the 1997 Water Fund Operating Budget.

Summary

The City's Construction Crew is currently in the process of replacing the 8 inch water line on 76th Avenue between Turnpike Drive and Sheridan Boulevard. The 76th Avenue Water Line Encasement consists of installing a conduit, encasing the water lines at the 76th Avenue and Lowell Boulevard intersection, and at the 76th Avenue and Burlington Northern Railroad crossing.

The City advertised three times during two consecutive weeks in the Daily Journal, Colorado's premier construction magazine. Four contractors attended the mandatory pre-bid meeting that was held on June 4 at the Municipal Service Center. The City issued two addendum to the bid documents. The bids were publicly read on June 12, 1997, in the City Council Chambers.

<u>BIDDER</u>	<u>LUMP SUM BID</u>
BT Construction, Inc.	\$56,500
Pascal Construction Company	\$99,900

BT Construction, Inc. has been determined to be the successful contractor on the basis of their bid being the lowest responsive bid within the established funds available for the contract. The City's available budget for the water system improvements contract is \$70,000.

Staff Recommendation

Authorize the City Manager to execute a contract between the City and BT Construction, Inc., in the amount of \$56,500 for the 76th Avenue Water Line Encasement for water system improvements; authorize a project budget of \$56,500 with a contingency budget of \$10,000; and charge the appropriate project accounts in the 1997 Water Operating Budget.

Background Information

The City's Construction Crew is currently replacing the water line on 76th Avenue between Turnpike Drive and Sheridan Boulevard due to deterioration and increased water breaks.

The water line encasements are being installed at the intersection of 76th Avenue and Lowell Boulevard, due to a significant amount of communication utilities, and also at 76th Avenue and the Burlington Northern Railroad, due to the railroad company's specification requirements.

A benefit for encasing the water line is the ease of removing and replacing the water line in inaccessible places, such as the intersection of 76th Avenue and Lowell Boulevard. In addition, it will enable the City to remove and replace a section of water line without disrupting other existing utilities or obstructions.

Utilities Division Staff believes there is no alternative to encasing the water line, if the City is to protect other community utility systems in 76th Avenue. Without replacing the water line at the intersection of 76th Avenue and Lowell Boulevard and at 76th Avenue and the Burlington Northern Railroad, the City may suffer negative ramifications in the water service at these locations if and when extensive interruptions of water breaks occur.

Encasement work is expected to commence at the end of July, with completion slated for the end of August.

Respectfully submitted,

William M. Christopher
City Manager

Date: June 23, 1997

Subject: Councillor's Bill No. re Lakeview Apartments Multi-Family Housing Private Activity Bond Issue

Prepared by: Martin R. McCullough, City Attorney

Introduction

City Council action is requested to adopt the attached Councillor's Bill as an emergency ordinance authorizing the issuance of \$7,110,000 in tax-exempt refunding bonds for the Lakeview Apartment Project.

Summary

The Lakeview Apartments Project is located at the corner of 3701 W. 68th Avenue. This Project was acquired in 1993 by the "68th Avenue Limited Partnership," a Minnesota limited partnership. The Project is managed by Marfield-Belgard & Yaffee ("MBY"). MBY is a major company with a national presence specializing in rental property rehabilitation. Two of MBY principals, Mssrs. Belgard and Yaffee, are also partners in the 68th Avenue Limited Partnership.

City Council previously authorized the issuance of \$7,185,000 in tax-exempt multi-family revenue bonds for the acquisition and rehabilitation of this 504-unit multi-family housing project. The owners at that time spent over \$2 million in rehabilitating the Project. The owners are now requesting the City's assistance in refunding this previous bond issue. The refunding bonds will be long-term fixed-rate bonds with a Fannie Mae Guarantee which will result in a rating of "AAA". The City has no financial expenses as a result of this refunding action.

Staff Recommendation

Adopt Councillor's Bill No. as an emergency ordinance authorizing the issuance of \$7,110,000 in tax-exempt multi-family housing revenue bonds for the Lakeview Apartments Project.

Background Information

The City previously approved tax-exempt financing for the Lakeview Apartments Project through the issuance of certain industrial development bonds known as the "Multi-Family Housing Revenue Bonds (Lakeview Apartments Project), Series 1994" to finance the cost of acquisition, rehabilitation construction and improvement of the Lakeview Apartments Project. The Lakeview Apartments Project consists of 504 units of multi-family housing and is located at 3701 W. 68th Avenue.

The new owner previously completed over \$2 million in improvements to bring the property into better compliance with City Code requirements and to further enhance the property. These improvements included landscaping, roofs, street lighting, carports, clubhouse, storage, elevators, walkways, and apartment unit rehabilitation.

The refunding issue would be in the amount of \$7,110,000, which is the outstanding balance of the current bond issue. The refunding issue would be backed by Fannie Mae. The Fannie Mae guarantee obligates this federal agency to guarantee the owners' debt service obligations to the bond holders. The Fannie Mae Guarantee results in a bond rating of "AAA-A1+" by Standard & Poor. This is the highest possible rating for both long-term and short-term bond issues. This Fannie Mae Guarantee replaces the previous form of guarantee provided in the form of a letter of credit from Sumitomo Bank. Overall, the new form of surety meets the City's "AA" or better rating requirement and is as good, if not better, than the original surety.

All costs in connection with this refunding will be paid by the owners. In addition, pursuant to City Code, the City will receive its 0.25 percent fee in the approximate amount of \$17,775. The owner will also be responsible for the cost of special legal counsel services, which have been provided by Mr. Matt Hogan of the Denver law firm of Ballard, Spahr, Andrews & Ingersoll. Mr. Nate Eckloff, the City's financial advisor, has also reviewed this financing, and his letter recommending it to Council is attached. Also attached is a letter from Dougherty Dawkins, the underwriter for this bond issue, that provides further background concerning this financing. Both Mr. Eckloff and Mr. Hogan will be on hand Monday evening to answer any questions Council may have concerning this financing.

Respectfully submitted,

William M. Christopher
City Manager

Attachments:

Date: June 23, 1997
Subject: Councillor's Bill No. re Dynamic Data Systems 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 Dynamic Data Systems to build a new facility in Westminster.

Summary

Dynamic Data Systems has decided to build a new 16,000 square foot facility. The company has been located in the office building on Turnpike Drive south of the Police Building for many years. The company had seriously considered relocating to Thornton. The company is now proposing to build a new building on 124th Avenue in Park Centre. This package is proposed to aid in the retention of an existing Westminster business.

Staff Recommendation

Pass Councillor's Bill No. on first reading which authorizes the execution and implementation of the Assistance Agreement with Dynamic Data Systems, Inc. for the construction of the new office building.

Background Information

Staff began working with Brad Smith, President of Dynamic Data Systems, Inc. in May 1996 in an effort to find existing office space to allow his company to expand. After an extensive search, the company finally decided to build a new 16,000 square foot office building. Site selection was narrowed to two sites--one in Westminster and one in Thornton.

This computer services company has been a long term member of the City's business community. Staff believes that retention of the company and its 43 employees is very important. It is expected that the Dynamic Data Systems will grow moderately over the next five years and will continue to offer average annual wages from between \$45,000 to \$50,000. The new \$1.5 million proposed building is an excellent addition to the City's business community.

Total City revenues anticipated from fees and taxes from Dynamic Data Systems are projected is as follows:

<u>City Revenue</u>	<u>Year 1</u>	
<u>5 Year Total</u>		
Total Fees and Taxes	\$39,085	\$52,085

Staff recommends the following assistance package for Dynamic Data System:

<u>Permit Fee & Construction</u>	<u>Approximate Value</u>
Use Tax Waiver 100% waiver of permit fees (excluding water and sewer tap fees), construction use tax and other related building permits	\$31,000
Sales and Use Tax Rebate 50% rebate of the Sales and Use Tax collected from Dynamic Data Systems for 5 years	\$6,200
Total	\$37,200

Conclusion

Dynamic Data Systems is the type of high tech company the City desires to attract and retain. The total package offered is still less than the total revenue anticipated from the company for the first year of construction and relocation. Adams County has agreed to rebate a portion of the County's personal property tax received from Dynamic Data contingent upon the City providing assistance to the company.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

ASSISTANCE AGREEMENT
FOR THE CONSTRUCTION OF DYNAMIC DATA SYSTEMS, INC.'S NEW
OFFICE BUILDING IN THE CITY OF WESTMINSTER

THIS AGREEMENT is made and entered into this _____ day of _____, 1997, between the CITY OF WESTMINSTER (the "City"), and DYNAMIC DATA SYSTEMS, INC. (DDS).

WHEREAS, the City wishes to provide certain assistance to Dynamic Data Systems, Inc. to aid in the construction of their new office building within the City on property on 124th Avenue in Park Centre; and

WHEREAS, the proposed facility will employ approximately 43 employees with an annual payroll of over \$1.8 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 Dynamic Data Systems, Inc. agree as follows:

1. The City shall waive the payment of 100% 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 16,000 square foot building to be completed no later than June 30, 1998. The value of the permit fee waiver is estimated to be \$6,660.

2. The City shall waive the payment of 100% of the building Use Taxes on the construction materials, which are to be used in the construction of the 16,000 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 \$24,375.

3. The City shall reduce Dynamic Data Systems, Inc.'s Use Tax obligation to the City either via a sales and use tax rebate by 50%, but not to exceed \$6,200 on taxable items purchased for move-in and during the first 5 years following the issuance of a Certificate Occupancy.

4. This Assistance Agreement shall terminate and become void and of no force or effect upon the City if Dynamic Data Systems, Inc. has not completed construction or moved into its new building by June 30, 1998.

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

6. This instrument shall constitute the entire agreement between the City and Dynamic Data Systems, Inc., 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.

7. Subordination. The City's obligations pursuant to this Agreement are subordinate to the City's obligations for the repayment of any current or future bonded indebtedness and are contingent upon the existence of a surplus in sales and use tax revenues in excess of the sales and use tax revenues necessary to meet such existing or future bond indebtedness.

The City shall meet its obligations under this Agreement only after the City has satisfied all other obligations with respect to the use of sales tax revenues for bond repayment purposes. For the purposes of this Agreement, the terms "bonded indebtedness," "bonds," and similar terms describing the possible forms of indebtedness include all forms of indebtedness that may be incurred by the City, including, but not limited to, general obligation bonds, revenue bonds, revenue anticipation notes, tax increment notes, tax increment bonds, and all other forms of contractual indebtedness of whatsoever nature that is in any way secured or collateralized by sales and use tax revenues of the City.

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.

DYNAMIC DATA SYSTEMS, INC.

CITY OF WESTMINSTER

By _____
Brad Smith
President

Bill Christopher
City Manager

ATTEST:

ATTEST:

Title

Michele Kelley
City Clerk

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO.

SERIES OF 1997

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AUTHORIZING AN ASSISTANCE AGREEMENT WITH DYNAMIC DATA SYSTEMS, 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, Dynamic Data Systems, Inc. has indicated an interest in building a new 16,000 square foot building in the City of Westminster on 124th Avenue in Park Centre; and

WHEREAS, Dynamic Data Systems, Inc. will employ approximately 43 at this new facility with an annual payroll of over \$1.8 million; and

WHEREAS, a proposed Assistance Agreement between the City and Dynamic Data Systems, Inc. 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 Dynamic Data Systems, Inc. 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 23rd day of June, 1997.

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

ATTEST:

Mayor

City Clerk

Date: June 23, 1997

Subject: Countryside Youth Little League Ball Fields

Prepared By: Becky Eades, Landscape Architect

Introduction

City Council action is requested to pass on first reading the attached Councillor's Bill authorizing a supplemental appropriation of \$210,000 into the General Capital Improvement Project Fund, from the following funding sources: 1997 Joint Venture grant from Jefferson County Open Space (JCOS) for \$100,000; a 1996 grant from the State Board of the Great Outdoors Colorado (GOCO) Trust Fund for \$75,000; and a \$35,000 grant from American West Little League. City Council action is also requested to authorize the City Manager to approve a contract with All Phase Landscape Construction in the amount of \$366,314 and with Fence Consulting Services, LLC for \$64,981. Total project budget, including water tap, geotechnical services, parking lot lighting, wetland mitigation and a 10% construction contingency, is \$560,000, which is the amount available in the General Capital Improvement Fund for this project.

Summary

In the Fall of 1996, two bids were received for the project, with both bids being more than 30% over the landscape architect's estimate of probable cost, and likewise, exceeding available funding. Staff negotiated with the low bidder in an attempt to value engineer the project and bring it within the project budget. This was unsuccessful. It was decided to void this bid, reduce the scope of the project, and re-bid the project later in 1996. Staff also applied for a supplemental Joint Venture Grant from JCOS and received an additional \$100,000 to help fund the project. Due to changes in the Army Corps of Engineers wetland disturbance policy toward the end of 1996, the re-bid was delayed until June 1997.

The project budget currently available for Countryside Little League Fields is as follows:

City Budget:

1995 CIP	\$50,000
1996 CIP	\$260,000
1995 CIP Carry Over	\$80,000
Subtotal	\$390,000

Design Fees (\$40,000)

Total City Budget \$350,000

Grants:

1997 JCOS fund	\$100,000
1996 GOCO grant	\$75,000
American West Little League	\$35,000
Subtotal	\$210,000

Total Budget and Grants \$560,000

The project was advertised and bid according to the City's purchasing ordinance, and bids were received from five contractors on June 12. The bid tabulation, including base bid and desired add alternates, is as follows:

All Phase Landscape Construction	\$366,314	
Environmental Concerns		\$393,537
Genco Construction, Inc.		\$499,898
RBI		\$431,603
W.J. Shirley	\$523,000	

The low bid from All Phase Landscape Construction for \$366,314 is considered a good bid compared to the landscape architect's Estimate of Probable Cost of \$427,391. References for similar projects have also verified All Phase Landscape Construction as a qualified contractor.

Fencing for the ballfields, including backstops, was bid separately by Fence Consulting Services, LLC, acting on behalf of the City. Bids were solicited from three reliable fence companies. The following is a tabulation of those bids:

Metro Fence Company	\$64,981
Ideal Fencing Corp.	\$68,915
Steelock Fence Co.	\$72,612

Projected project budget recommended by staff is as follows:

Construction Budget:		
All Phase Landscape Construction	\$366,314	
Fence Consulting Services, LLC	\$64,981	
PSCO- Lighting in Parking Lot	\$15,000	
Irrigation Tap Fee (2" Tap)		\$63,100
Geotechnical Testing		\$7,475
10% Contingency (of construction)	\$43,130	
 Total (construction)	 \$555,025	
 TOTAL	 	 \$560,000

Staff Recommendation

1. Pass Councillor's Bill No. on first reading appropriating \$210,000 into the General Capital Improvement Fund and authorize a project budget of \$560,000 for construction of the Countryside Youth Little League Ballfield project.

2. Authorize the City Manager to approve a contract with All Phase Landscape Contractors in the amount of \$366,314 and Fence Consulting Services, LLC for \$64,981 and add a 10% contingency; and approve a total construction budget of \$560,000 for the construction of the Countryside Youth Little League Ballfields.

Background Information

The project site is located at the southeast corner of West 106th Avenue and Oak Street adjacent to Countryside #13 Open Space and consists of approximately 7.6 acres containing 1.4 acres of wetlands. Although only .99 of one acre of wetlands is being disturbed, mitigation is required and a permit application is underway with the Army Corp. of Engineers.

In November 1995, Civitas, Inc. was hired through a competitive bid process to develop a master plan and construction documents for the Countryside #13 Youth Little League Ballfields project. Civitas's design fees for this work did not exceed \$25,000; therefore, City Council action was not required. Staff and Civitas have worked closely with American West Little League representatives, in order to meet their needs as well as the City's standard of quality. A community meeting was held in May 1996 to present the master plan prior to the preparation of construction documents. The master plan was well received by the residents at the meeting. Construction documents were completed in July 1996 and the original competitive public bid was opened on August 8, 1996.

The Design team (the Team) was formed with Staff, American West Little League, and Civitas, Inc., and developed the following project objectives in November 1995:

- > Consider appropriate materials and construction techniques to achieve durable, maintainable, and attractive facility.
- > The facility shall comply with Americans with Disability Act (ADA).
- > Consider the impact of the new baseball fields to the nearby residents and adjacent open space owned by the City and minimize wetland disturbance.
- > Provide visual and acoustic screening while creating safe and healthy environment.

The Team visited existing baseball and softball fields in and around the area to identify desirable construction details and methods as well as possible problems for developing the project standards to achieve the objectives. The team has managed to achieve all of the project objectives through the master planning process. The master plan (see attached plan) includes two fields (200 feet field and 300 feet field); concession building with maintenance storage, office, and toilet facility; dumpster enclosure; and landscape planting. The estimated cost for the master plan including 10% of contingency was approximately \$750,000. The estimate did not include any potential expenses for wetland mitigation.

During the environmental assessment investigation, 1.4 acres of wetlands was identified on the project site. A disturbance of wetlands was unavoidable, but if kept less than one acre the impact to the adjacent open space and the construction costs could be minimized. The Team managed to keep the wetland disturbance to a minimum by reducing the size of one of the fields from 225 feet to 200 feet.

The Team realized that the \$750,000 Master Plan was unrealistic and made the best effort to reduce the project program to keep the construction cost as close as possible to the given budget. The Team developed the Reduced Master Plan which included only a minimum program such as 200 feet field, 300 feet field, 100 space parking lot, and paved plaza area without any amenities. The estimated cost including 10% contingency for the Reduced Master Plan was approximately \$450,000.

The reduced project was bid in July 1996, with two contractors submitting bids. Both of these bids were significantly higher than Civitas's estimate of probable cost, and the project budget. After considering many alternatives, including building only one field at the time, and attempting to "value engineer" the project with the low bidder, it was decided by the Team to reduce the project scope and re-bid the project later in 1996.

Due to the fact that the construction costs could not be reduced substantially enough to proceed with the project prompted Staff to pursue additional funding assistance. JCOS increased their assistance by issuing a 1997 Joint Venture grant in the amount of \$100,000, increasing their total involvement to \$160,000.

However, while the project scope was being re-evaluated and additional funding being sought, the U.S. Army Corps of Engineers (COE) reduced the amount of wetland disturbance permissible before wetland mitigation and a permit would be required from one acre to .33 of one acre. The amount of wetlands being disturbed by the project, .99 of one acre, could not be reduced to meet this maximum allowed amount; therefore, mitigation and permitting are now required.

Based on a recommendation from Civitas, Erik Olgeirson, PhD. was hired to prepare the permit application and mitigation design. On May 19, a Section 404 permit application was submitted to the COE, and the Permit is expected to be issued the end of June. All required permitting will be in place prior the issuance of Notice to Proceed.

Respectfully submitted,

William M. Christopher
City Manager

Attachments - Councillor's Bill and Project area maps

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. _____

SERIES OF 1997

INTRODUCED BY COUNCILLORS

A BILL

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

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 1997 appropriation for the General Capital Improvements Fund, initially appropriated by Ordinance No. 2385 in the amount of \$11,285,000 is hereby increased by \$210,000 which, when added to the fund balance as of the City Council action on June 23, 1997, will equal \$39,613,451. The actual amount in the General Capital Improvements Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to the appropriation of a Jefferson County Open Space Grant, a Great Outdoors Colorado Grant and an American West Little League grant for the construction of the Countryside Youth Little League Ball Fields project.

Section 2. The \$210,000 increase in the General Capital Improvements Fund shall be allocated to City Revenue and Expense accounts which shall be amended as follows:

<u>Description</u>	<u>Current Budget</u>	<u>\$ Increase</u>
<u>Final Budget</u>		
<u>REVENUES</u>		
Intergovernmental		
75-0428-000	\$0	<u>\$210,000</u>
\$210,000		
<u>EXPENSES</u>		
Countryside LL Fields		
75-50-88-555-057	\$390,000	<u>\$210,000</u>
\$600,000		

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 23rd day of June, 1997

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

ATTEST:

Mayor

City Clerk

Date: June 23, 1997

Subject: Contract for Comprehensive Banking Services

Prepared by: C.L. Cargill-Warner, Financial Manager

Introduction

City Council action is requested to authorize the City Manager to enter into a contract to extend the existing contract with Norwest Bank for a period of 15 months with certain changes in the scope of services and reductions in existing costs and fees associated with the contract. Funds have been specifically allocated in the 1997 General Fund, Finance Department budget for this expense.

Summary

The current contract for comprehensive banking services with Norwest Bank is scheduled to expire June 30, 1997. The 1992 contract was for three years, allowing for a two year extension which was exercised. Staff recommends authorizing an extension of the existing contract for 15 months for the following reasons:

- (1) The Finance Department is/has undergone significant changes in 1997; awarding a new banking contract at this time would have an adverse effect on on-going operations. The department has issued the RFP for a new audit team for this year. Staff recommends against changing both the auditors and the bank in the same calendar year.
- (2) Greater attention to proposals and analysis could be provided upon the completion of key projects currently underway (i.e., new bonded debt issues).
- (3) Norwest Bank has agreed to reductions in certain fees over the 15 month extension period due to problems in service levels and accuracy resulting from automation changes to a standardized nation-wide system.
- (4) The Safekeeping function for the City's portfolio will be transferred.

Staff Recommendation

Authorize the Finance Director to negotiate an extension to the existing contract with Norwest Bank for comprehensive banking services for the period of July 1, 1997, through September 30, 1998. Authorize the City Manager to execute all such documents as may be required by this transaction.

Background Information

On July 1, 1992, the City Manager executed a comprehensive banking services contract for the period of July 1, 1992, through June 30, 1995, with Norwest Bank of Westminster. Prior to the signing of this contract, an RFP had been delivered to 12 banks located within a three mile radius of the City of Westminster.

Responses were analyzed and it was determined the Norwest proposal generated the highest net earnings to the City, Norwest offered more sophisticated services, and references for Norwest's levels of service, responsiveness and professionalism were positive.

The three year contract was renewed July 1, 1995, for an additional two years; scheduled expiration of the current contract is June 30, 1997. In the renewal, there were no significant changes to either costs or the scope of services provided by Norwest.

The scope of services provided by Norwest Bank currently includes an operating account structured to obtain maximum benefit from cash flows, payroll direct deposits, automatic direct debit of citizen accounts for payment of utility bills, electronic access to account information, safe deposit box, check reconciliation processes, safekeeping services, automated wire services and credit card services.

During 1997, many significant changes occurred in the Finance Department, including the appointment of a new Finance Director, issuance of new bonded debt, and distribution of an RFP for a new auditing firm. Transfer of the lead bank contract in conjunction with changes already underway could have a significant effect on the overall operation of the Finance Department.

Norwest has agreed to extend the existing contract for comprehensive banking services for a period of 15 months. An RFP for banking services will be prepared and distributed during 1998 with the new contract award anticipated October 1, 1998. The only changes from the current contract are:

- (1) Reduction in outgoing non-repetitive wire charges from \$10.00 to \$5.50.
- (2) Reduction in outgoing repetitive wire charges from \$6.00 to \$5.50.
- (3) Reduction in in-coming wire charges from \$7.50 to \$5.50
- (4) Reduction in Merchant Credit Card Discount rate from 1.75% to 1.69% pending verification of a 30% increase in transactions (based a comparison of annualized volume for 1997 over 1996 actual levels).
- (5) Removal of provisions requiring the use of Norwest Investment Services Safekeeping services.

Respectfully submitted,

William M. Christopher
City Manager

Date: June 23, 1997
Subject: 1996 Comprehensive Annual Financial Report
Prepared by: Karen Creager, Accountant

Introduction

City Council has received copies of the Comprehensive Annual Financial Report (CAFR) for the year ended December 31, 1996 as prepared by the Finance Department and as examined by Grant Thornton, Certified Public Accountants. At this time the CAFR is submitted to City Council for acceptance.

Summary

The 1996 CAFR is presented for acceptance by City Council. The 1996 CAFR received an unqualified opinion from Grant Thornton, the City's external auditors. An unqualified opinion indicates the financial data of the City is fairly presented according to generally accepted accounting principles.

Staff Recommendation

Accept the 1996 Comprehensive Annual Financial Report of the City of Westminster as audited by Grant Thornton, Certified Public Accountants.

Background Information

The City Charter requires that an independent audit be conducted at least annually by certified public accountants selected by the City. In addition, the City Manager is required to prepare an annual report of the City, including a financial report. The City's outside auditors, Grant Thornton, performed their examination and expressed an unqualified opinion on the financial statements for the year ended December 31, 1996. This opinion is included as part of the CAFR.

The CAFR is divided into four sections as follows:

1. Introductory Section. Pages 1 through 10 contain the letter of transmittal by the City Manager and Director of Finance which describes significant events of the City which occurred during the year and gives a summary of activity for 1996.
2. Financial Section.
 - a) Pages 18 through 29 contain the General Purpose Financial Statements for the various fund types and account groups. These statements provide an overview and broad perspective of the financial position and results of operations for the City as a whole in a standardized, generically labeled format. In addition, they are designed to be "liftable" from the financial section for inclusion in official statements or for widespread distribution.

b) Pages 31 through 70 contain the notes to the financial statements, which are necessary for a fair presentation of the financial position and results of operations of the City in conformity with generally accepted accounting principles. The notes are an integral part of the financial statements and include a summary of the City's significant accounting policies.

c) Pages 71 through 168 provide combining, individual fund and account group financial statements. They present more detailed information than is presented at the overview level such as individual fund budgetary comparisons, and prior year comparative data.

d) Pages 170 through 172 contain the Road & Bridge Report required by the State of Colorado.

e) Pages 174 through 175 contain supplementary information on the Volunteer Firefighter Pension Fund required by the Governmental Accounting Standards Board.

3. Statistical Section. Pages 176 through 197 contain ten-year historical data and additional background on the City.

4. Single Audit Section. Pages 199 through 210 include reports and schedules related to federal financial assistance. This information is required by the U.S. government under the provisions of the Single Audit Act of 1984.

5. Bond Disclosure Section. Pages 211 through 248 contain information regarding municipal bond disclosure. This disclosure is required by the Securities and Exchange Commission, Rule 15c2-12(b)(5) and is meant to supplement and compliment information found other places in the CAFR.

The 1996 CAFR reflects a stable financial position consistent with information supplied to Council on a monthly basis throughout the year. As noted in the auditor's opinion, the CAFR fairly presents 1996 financial activity of the City of Westminster. Consideration by City Council for acceptance of the 1996 CAFR is requested.

Respectfully submitted,

William M. Christopher
City Manager

Date: June 23, 1997

Subject: Resolution No. re McKay Lake Area Land Acquisitions

Prepared By: Dave Downing, City Engineer
Bob Lienemann, Open Space Coordinator

Introduction

City Council action is requested to adopt the attached Resolution authorizing the acquisition of several properties to provide necessary lands to construct the McKay Lake area storm drainage improvements and to acquire interests in McKay Lake for storm drainage, open space and trails purposes (see attached map). Funds for these acquisitions are available in the General Capital Improvement Fund and the Open Space Fund.

Summary

McKay Lake is presently owned by the Farmers' Reservoir and Irrigation Company (FRICO), and is operated as an irrigation storage reservoir. The lake is just upstream of the Westminster neighborhoods of Amherst, Quail's Crossing and Lexington, in unincorporated Adams County (see attached map). McKay Lake has provided considerable storm drainage and open space benefits to this area for many years. FRICO is now considering the sale of McKay Lake (or the land under it), as the need for agricultural irrigation diminishes. The lake could be removed and developed with additional homes, or a much smaller lake or pond could be retained, with many new homes constructed around it.

If McKay Lake remains in place in approximately its existing size and configuration, the lake could continue to provide considerable storm drainage benefits. If the lake were totally or partially removed, the drainage situation would be considerably worsened for downstream developments in Westminster and in other jurisdictions.

McKay Lake also has tremendous value for open space and trail use, and has been identified as a high priority for preservation by the Open Space Advisory Board. Its large water surface, wetlands, and mature trees make it an attractive area for wildlife. Informal trails, fishing and passive recreation could be provided from this location to the many new residents of this part of Westminster. Removing the lake, or making it much smaller with new homes ringing the lake would remove all or most of the open space value, and block public access.

For these reasons, Staff believes that it is imperative that the City take action now to secure lands needed to keep McKay Lake in place and intact, for its considerable storm drainage and open space benefits.

Staff Recommendation

Adopt Resolution No. authorizing the City Manager and City Attorney to proceed with the acquisition of sufficient lands for the construction of McKay Lake storm drainage improvements, open space and trail use, including through eminent domain, if necessary.

Background Information

With the assistance of a consulting engineering firm with expertise in storm drainage planning, Staff has identified a plan to utilize McKay Lake for detention, and to channelize storm flows out of McKay Lake in two directions. The lake is unusual in that it has two dams, one at the east end of the lake and another at the southwest end. Thus two spillways and two drainage channels leading away from the lake have been designed. These drainage channels could also serve as greenbelts with trails, connecting existing and future area residents to McKay Lake.

The tracts that must be acquired to accommodate these improvements are located across currently unincorporated ownerships just east (Fonay) and just southwest (Lambertson) of McKay Lake. Acquisition of interests in McKay Lake itself from the Farmers' Reservoir and Irrigation Company (FRICO) would keep the lake in place to provide detention capacity, and decrease the volume of flow leaving the lake in the two drainage channels. Acquisition of McKay Lake would include maintaining an appropriate water surface for open space and wildlife values, with additional capacity for storm water detention.

The immediate acquisition of these key parcels is critical to assure that land is available for the necessary improvements. If these parcels are not acquired now, it is possible that the area (not within the jurisdiction of the City of Westminster) could be fully developed without adequate storm detention facilities, resulting in severe flooding of existing Westminster neighborhoods and considerably higher costs to the City for downstream improvements such as much larger drainageways and street crossings at Huron Street and Interstate 25. The open space values would also be lost.

Due to the potential consequences of inaction by the City on this matter, Staff has already commenced work toward the acquisition of the necessary properties. Negotiations with the involved landowners have begun with the intent of reaching a mutually acceptable price for the land. Negotiations with FRICO are proceeding well, and it appears likely that an agreement to purchase interests in McKay Lake will be concluded and brought to City Council in the near future. Negotiations with the other landowners are also ongoing. The attached Resolution authorizes the City Manager and City Attorney to continue appropriate efforts necessary to acquire the properties, including proceeding with condemnation of the properties, if negotiations with one or more of the property owners are not productive.

Alternatives to the Proposed Action:

1. Do not acquire the proposed properties. Such inaction would likely result in either costly, alternative drainage improvements at the expense of the City of Westminster or severe flooding damage to Westminster and other downstream properties. McKay Lake would probably be sold for development, and the storm drainage and open space benefits would be lost.
2. Do not acquire the proposed properties, but attempt to persuade Broomfield to construct, or require developers to construct facilities, to assure that the development of land north and west of McKay Lake includes adequate storm drainage detention facilities to protect downstream properties.

Unfortunately, Broomfield has not demonstrated a willingness to require the construction of such facilities normally required with new development, which would then protect downstream properties within the City of Westminster and other jurisdictions. Within the Quail Creek drainage basin located immediately south of the McKay Lake basin, Broomfield has apparently waived the requirement for construction of a major detention pond that was identified in a drainage master plan prepared several years ago under an agreement between Broomfield, Westminster and the Urban Drainage and Flood Control District (UDFCD). Again, the open space benefits would be lost.

In light of the need to move quickly before the benefits of McKay Lake and the related storm drainage channels are lost, Staff does not recommend either of these proposed alternatives.

In recent years, new home construction at Amherst and Lexington subdivisions has continued at a rapid pace. These neighborhoods, together with Quail's Crossing, are located at Westminster's northeastern boundary, between 136th and 144th Avenues, and between Zuni and Huron Streets, west of I-25 (see attached map). Home construction is nearing completion. Development of these neighborhoods has assumed that appropriate upstream storm drainage and detention facilities would be constructed as the open areas to the north and west are developed.

The large open area upstream was historically unincorporated Adams County. However, the City of Broomfield has been annexing and zoning hundreds of acres recently in the subject area. At this point in time, there is no clear, acceptable plan to manage the increased storm drainage runoff that would be created by all the new development, to avoid severe flooding and increased costs downstream in the Westminster neighborhoods.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

RESOLUTION

RESOLUTION NO. _____

INTRODUCED BY COUNCILLORS

SERIES OF 1997

WHEREAS, the City of Westminster has determined that it is necessary to the public health, safety and welfare to obtain the several parcels of land shown on the attached map to accommodate the construction of storm drainage improvements and to preserve open space in the vicinity of McKay Lake, located between 136th and 144th Avenues, and between Zuni and Huron Streets; and

WHEREAS, an appraisal has been made by a professional company experienced in performing appraisals to determine the fair market value for these parcels; and

WHEREAS, the City has to date, and will continue to make an earnest good faith offer of purchase for each of the subject parcels; and

WHEREAS, a municipal public purpose exists to acquire the property; and

WHEREAS, legal counsel for the City of Westminster deems it to be in the best interest of the City to acquire the property by the City's right of eminent domain should normal negotiations fail; and

WHEREAS, the City finds that if acquisition by condemnation of any parcel described in this resolution is commenced, immediate possession by the City may be necessary for the public health, safety and welfare in order to reserve those lands necessary to construct the storm drainage improvements, and/or to preserve open space:

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

1. The City Manager is hereby authorized to establish the minimum just compensation to be offered to acquire the properties.
2. City Staff is authorized to continue to cause negotiations to acquire the parcels and interests identified on the attached map on the basis of the appraised value, or such higher amount as may seem just and reasonable to facilitate such acquisition without the necessity of condemnation. Negotiations prior to the date of this resolution are hereby ratified.
3. The City Manager is hereby authorized to acquire such parcels consistent with applicable law, including the execution of all documents necessary to complete the purchase.
4. The City Attorney of the City of Westminster is authorized to take all necessary legal measures to acquire the properties in question, including proceeding with condemnation of the properties in question against the owner or owners and any other persons or entities claiming an interest therein or thereto, and to take such other or further action as may be reasonably necessary for or incidental to the filing and diligent prosecution of any litigation or proceeding required to obtain the properties should normal negotiations fail or exceed the time constraints of the overall project. In the event that acquisition by condemnation is commenced, the City Attorney is further authorized to request immediate possession of the necessary property interests.

5. The City Manager shall be further authorized to incur reasonable costs associated with acquiring the properties in question, including, without limitation, the cost of title examination, title insurance, appraisal fee payments mandated by statute, normal closing costs, filing fees and charges, and all other related or incidental costs or expenses customarily associated with the acquisition or condemnation of property. The costs shall be charged to the General Capital Improvement Project Fund and to the Open Space Account as appropriate.

6. The City Manager is hereby authorized to establish the legal descriptions of the parcels to be acquired, consistent with the attached map, and to amend the legal descriptions of the parcels to be acquired, and the nature of the interests to be acquired, if necessary.

PASSED AND ADOPTED this 23rd day of June, 1997.

Mayor

ATTEST:

City Clerk

Date: June 23, 1997
Subject: Audiovisual Materials for College Hill Library
Prepared by: Kathy Sullivan, Library Services Manager

Introduction

City Council action is requested to authorize an expenditure of up to \$73,520 from the New College Hill Library Project account to pay for approximately 3,676 audiotapes and videotapes for the College Hill Library Opening Day Collection.

Summary

In January, Council authorized a contract with Baker and Taylor Books to provide approximately 67,000 books for the College Hill Opening Day Collection. Library Staff has already begun with the process of selecting these print materials. The contract with Baker and Taylor does not include the selection, ordering, cataloging, processing, and storage of audiovisual materials for the new library. Audiotapes and videotapes are now a standard part of basic public library collections, and the addition of 3,676 new volumes to the library's current collection of 4,224 volumes will bring Westminster's collection closer to an average audio/visual collection among peer libraries in Colorado.

These materials will be purchased from vendors who specialize in various types of audiovisual materials. Staff has thoroughly evaluated the number of different vendors to get the best possible prices for videotapes, abridged and unabridged audiobooks, and children's "kits" (consisting of a book and accompanying audiotape). Due to the prohibitive costs of cataloging and processing, most videotapes will be ordered from various vendors and cataloged and processed in-house by library staff. Audiotapes will be purchased with cataloging and processing supplied by the vendor.

Staff Recommendation

Authorize the expenditure of up to \$73,520 from the College Hill Library project account for the purchase of audio and video tapes for the new library.

Respectfully submitted,

William M. Christopher
City Manager

Date: June 23, 1997

Subject: Councillor's Bill No. re Supplemental Appropriation of 1996 Carryover and Incentive Funds

Prepared by: Nancy Alberts, Accounting Manager

Summary

City Council action is requested on the attached Councillor's Bill appropriating additional 1996 carryover and incentive funds as described into the General, Fleet, Sales & Use Tax, Open Space, Conservation Trust, General Capital Improvement Projects Fund, and Utility Funds.

Due to various departments saving money and revenues coming in higher than estimated, a carryover balance ABOVE what was budgeted in 1996 has been realized. The City typically, for over ten years, has enjoyed a carryover in addition to what has been budgeted due to the practice of being conservative in estimating revenues.

At this time, the following items are being requested for appropriation:

1. Carryover which will be utilized for various capital projects such as the College Hill Library, Promenade East, City Park Companion Facility and other purposes which are described in more detail in the background section below.
2. Incentive funds of \$122,921. This amount consists of savings by departments. It is calculated by an approved formula previously adopted by Council Resolution whereby each department is allowed to retain a certain portion of budget savings.
3. Certain items and services which were budgeted in 1996 but which were not received or provided until 1997. This totaled \$416,615.

Staff Recommendation

Pass Councillor's Bill No. on first reading appropriating additional 1996 carryover funds into the 1997 budgets of the General, Fleet, Sales & Use Tax, Open Space, Conservation Trust, General Capital Improvement Projects Fund, and Utility Funds.

Background Information

The carryover, over and above what was budgeted in 1997, is as follows:

General	\$661,419
Fleet	121,389
Sales & Use Tax	1,737,703
Open Space	692,472
Conservation Trust	9,789
General Capital Improvements	988,965
Utility	<u>209,291</u>

Total
\$4,421, 028

A. 1997 CARRYOVER FOR INCENTIVE BUDGETING

Through Resolution No. 40, Series of 1989, City Council adopted an Incentive Budget Program, whereby a portion of departmental savings realized would be reappropriated to the applicable departments. The formula for determining the amount of Incentive Budget Funds is that departments receive 100% of the first \$5,000 in savings and 25% of any savings above \$5,000. This amount is limited to the amount of excess carryover. The amount to be distributed to the various departments through the Incentive Budget Program is listed below.

GENERAL FUND	
City Attorney	\$11,999
City Manager's Office	490
General Services	6,733
Finance	6,025
Police	21,692
Fire	2,883
Parks, Recreation & Libraries	<u>6,509</u>
Total General Fund	<u>56,331</u>
FLEET FUND	<u>5,406</u>
UTILITY FUND	
Finance	3,948
Wastewater	47,024
Water	<u>10,212</u>
Total Utility Fund	<u>61,184</u>
TOTAL INCENTIVE FUNDS	<u>\$122,921</u>

B. REAPPROPRIATION OF ITEMS APPROVED IN 1996

Certain items ordered in 1996 were not received until 1997. In addition, certain services, authorized in 1996, were not fully performed by the end of the year. Staff recommends the items described below be reappropriated in 1997.

Central Charges: One item totaling \$2,083. This is for hardware purchases and kiosk upgrades made at the Westminster Mall web site that could not be completed in 1996.

Police: One item totaling \$9,601 for internal training that will take place in 1997.

Community Development: Four items totaling \$193,259 as follows:

1. \$8,504 for professional and technical services related to a contract for the Promenade project. The scope of the contract was extended, thus the money needs to be carried over to 1997.
2. \$160,000 of business assistance payments for which incentive commitments had not been made as of year end.
3. \$17,000 for contracts in Economic Development that will not be completed until 1997.

4. \$7,755 for contracts relating to the recruitment of a planning manager that won't be hired until 1997.

Streets: One item totaling \$32,928. This represents retainage on the Brannan Sand & Gravel contract--the work will be completed in 1997.

Parks, Recreation & Libraries: Four items totaling \$30,637 as follows:

1. \$15,000 for a video security system to be placed at City Park Recreation Center. The equipment was not received until 1997.
2. \$12,000 for a vehicle that was budgeted for in 1996 but was not received until 1997.
3. \$2,000 for graffiti removal equipment and supplies that were not received until 1997.
4. \$1,637 for a flat file cabinet that was ordered in 1996 but not received until 1997.

Water: Two items totaling \$130,913 as follows:

1. \$46,000 for upgrade to the Sewer, Water, Plant and Customer Service Multi-User Oracle database. Upgrade was negotiated with vendor in 1996, but enhancements could not be provided until 1997.
2. \$84,913 for various contracts in the Water Resources Division, many of which were not began until late in 1996 and therefore could not be completed before year end.

Wastewater: Two items totalling \$17,194 as follows:

1. \$3,500 for the Oracle database upgrade as mentioned above in Water section.
2. \$13,694 for the Wastewater Master Plan. Project was not able to be completed before year end.

In addition to the allocation of carryover revenue to the incentive program and to address expenses committed in 1996, but not concluded until 1997, there are several capital improvement projects proposed for funding. This is consistent with the City's fiscal policy of using one time carryover revenue for one time expenditures such as capital improvements. The proposed projects for funding are as follows:

- * \$692,472 carryover in the Open Space Fund is proposed to be used to further expand the open space land acquisition program and to accelerate open space land acquisition. This was indicated to be a priority by strong voter approval of the open space acquisition bond issue.
- * \$551,809 in carryover proposed to be used to further help achieve the City's share of full pay-as-you-go funding for the College Hill Library Project. Another \$350,000 in funding is anticipated to be needed in the 1998 Budget which should complete the funding necessary for the College Hill Library.
- * \$100,000 in carryover proposed to be used to complete the expected funding needed for Skyline Vista Park.

- * \$2,102,532 in carryover proposed to be used to help fund the cost of public improvements planned at the Westminster Promenade East project. It is expected that additional funding in the 1998 and 1999 budgets will be needed to fully complete all of the proposed public improvements.
- * \$312,000 in carryover proposed to be used for the City Park Fitness Facility to combine with bond funds in order to provide for constructing a larger Phase I improvement to include a gymnasium and/or indoor track. Some added funds in the 1998 Budget might also be proposed after further cost analysis of the project.

The above projects have been selected to receive the carryover funds due to their high priority and their need for funds among the many, many capital improvement projects the City is currently pursuing.

This item has been scheduled for Monday night's post meeting discussion.

Respectfully submitted,

William M. Christopher
City Manager

Attachment:

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. _____

SERIES OF 1997

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE INCREASING THE 1997 BUDGET OF THE GENERAL, FLEET, SALES & USE TAX, OPEN SPACE, CONSERVATION TRUST, GENERAL CAPITAL IMPROVEMENTS, AND UTILITY FUNDS AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 1996 CARRYOVER IN THE VARIOUS FUNDS

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 1997 appropriation for the General Fund, initially appropriated by Ordinance No. 2473 in the amount of \$45,234,000 is hereby increased by \$661,419 which, when added to the fund balance as of the City Council action on June 23, 1997, will equal \$46,022,354. The actual amount in the General 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 1996 carryover.

Section 2. The \$661,419 increase in the General Fund shall be allocated to City Revenue and Expense accounts which shall be amended as follows:

<u>Description</u> <u>Final Budget</u>	<u>Current Budget</u>	<u>\$ Increase</u>	
<u>REVENUES</u>			
Carryover 10-0090-000 \$1,501,692	\$840,273	<u>\$661,419</u>	
Total Change to Revenues		<u>\$661,419</u>	
<u>EXPENSES</u>			
General Fund Contingency 10-10-99-990-000	\$702,991	\$122,679	\$825,670
City Attorney Incentive 10-03-12-444-000	-0-	11,999	11,999
City Manager Incentive 10-05-05-444-000	-0-	490	490
Computer Hardware/Software 10-10-90-405-000	5,000	2,083	7,083
General Services Incentive 10-12-05-444-000	-0-	6,733	6,733
Finance Incentive 10-15-05-444-000	-0-	6,025	6,025
Police Incentive 10-20-05-444-000	-0-	21,692	21,692
Training 10-20-05-144-612	-0-	9,601	9,601

Fire incentive 10-25-26-444-000	-0-	2,883	2,883
Maintenance/Infrastructure 10-35-45-267-000	\$2,000,000	32,928	2,032,928

Other contractual services 10-30-05-299-000	-0-	7,755	7,755
Business Assistance 10-30-34-297-000	45,000	160,000	205,000
Other contractual Services 10-30-05-299-000	-0-	8,504	8,504
Other Contractual Services 10-30-34-299-000	42,632	17,000	59,632
PR&L Incentive 10-50-05-444-000	-0-	6,509	6,509
Other equipment 10-50-72-406-000	-0-	15,000	15,000
Vehicles 10-50-76-401-000	83,000	12,000	95,000
Supplies 10-50-55-321-481	-0-	2,000	2,000
Office Equipment 10-50-55-404-000	7,900	1,637	9,537
Transfer to General Capital Projects 10-10-95-990-975	\$770,000	<u>213,901</u>	983,901
Total change to Expenses		<u>\$661,419</u>	

Section 3. The 1997 appropriation for the Fleet Fund, initially appropriated by Ordinance No. 2473 in the amount of \$998,235 is hereby increased by \$121,389 which, when added to the fund balance as of the City Council action on June 23, 1997, will equal \$1,119,624. The actual amount in the Fleet 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 1996 carryover.

Section 4. The \$121,389 increase in the Fleet Fund shall be allocated to City Revenue and Expense accounts which shall be amended as follows:

<u>Description</u> <u>Final Budget</u>	<u>Current Budget</u>	<u>\$ Increase</u>	
<u>REVENUES</u>			
Carryover 30-0090-000 \$121,389	\$-0-	<u>\$121,389</u>	
<u>EXPENSES</u>			
Incentive 30-12-46-444-000	-0-	5,406	5,406
Transfer to Capital Projects 30-10-95-990-975	\$-0-	<u>\$115,983</u>	\$115,983
Total expenses		<u>\$121,389</u>	

Section 5. The 1997 appropriation for the Sales & Use Tax Fund, initially appropriated by Ordinance No. 2473 in the amount of \$40,735,000 is hereby increased by \$1,737,703 which, when added to the fund balance as of the City Council

action on June 23, 1997, will equal \$42,472,703. The actual amount in the Sales & Use Tax 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 1996 carryover.

Section 6. The \$1,737,703 increase in the Sales & Use Tax Fund shall be allocated to City Revenue and Expense accounts which shall be amended as follows:

<u>Description</u> <u>Final Budget</u>	<u>Current Budget</u>	<u>\$ Increase</u>	
<u>REVENUES</u>			
Carryover 53-0090-000 \$4,147,703	\$2,410,000	<u>\$1,737,703</u>	
<u>EXPENSES</u>			
Transfer to Capital Projects 53-10-95-990-975	\$3,910,000	<u>\$1,737,703</u>	\$5,647,703

Section 7. The 1997 appropriation for the Open Space Sales & Use Tax Fund, initially appropriated by Ordinance No. 2473 in the amount of \$3,276,000 is hereby increased by \$692,472 which, when added to the fund balance as of the City Council action on June 23, 1997, will equal \$3,968,472. The actual amount in the Open Space Sales & Use Tax 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 1996 carryover.

Section 8. The \$692,472 increase in the Open Space Sales & Use Tax Fund shall be allocated to City Revenue and Expense accounts which shall be amended as follows:

<u>Description</u> <u>Final Budget</u>	<u>Current Budget</u>	<u>\$ Increase</u>	
<u>REVENUES</u>			
Carryover 54-0090-000 \$863,472	\$171,000	<u>\$692,472</u>	
<u>EXPENSES</u>			
Land Purchases 54-10-90-501-000 \$949,739	\$257,267	<u>\$692,472</u>	

Section 9. The 1997 appropriation for the Conservation Trust Fund, initially appropriated by Ordinance No. 2473 in the amount of \$760,000 is hereby increased by \$9,789 which, when added to the fund balance as of the City Council action on June 23, 1997, will equal \$769,789. The actual amount in the Conservation Trust 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 1996 carryover.

Section 10. The \$9,789 increase in the Conservation Trust Fund shall be allocated to City Revenue and Expense accounts which shall be amended as follows:

<u>Description</u> <u>Final Budget</u>	<u>Current Budget</u>	<u>\$ Increase</u>	
<u>REVENUES</u>			
Carryover 55-0090-000	\$182,000	<u>\$9,789</u>	\$191,789
<u>EXPENSES</u>			

Transfer to Capital Projects
55-10-95-995-975

\$760,000

\$9,789

\$769,789

Section 11. The 1997 appropriation for the General Capital Projects Fund, initially appropriated by Ordinance No. 2473 in the amount of \$11,285,000 is hereby increased by \$3,066,341 which, when added to the fund balance as of the City Council action on June 23, 1997, will equal \$14,626,291. The actual amount in the General Capital Projects 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 1996 carryover.

Section 12. The \$3,066,341 increase in the General Capital Projects Fund shall be allocated to City Revenue and Expense accounts which shall be amended as follows:

<u>Description</u> <u>Final Budget</u>	<u>Current Budget</u>	<u>\$ Increase</u>	
<u>REVENUES</u>			
Carryover 75-0090-000	\$524,000	\$988,965	\$1,512,965
Transfer from General Fund 75-9999-360	770,000	213,901	983,901
Transfer from Fleet 75-9999-030	-0-	115,983	115,983
Transfer from Sales Tax 75-9999-530	3,910,000	1,737,703	5,647,703
Transfer from Conservation Trust 75-9999-550	760,000	<u>9,789</u>	769,789
Total Revenues		<u>\$3,066,341</u>	
<u>EXPENSES</u>			
Promenade East Project 75-30-88-555-273	\$1,000,000	2,102,532	3,102,532
Library Project 75-50-88-555-371	5,475,198	551,809	6,027,007
Skyline Vista Park 75-50-88-555-326	630,380	100,000	730,380
City Park Companion Facility 75-50-88-555-213	7,106,522	<u>312,000</u>	7,418,522
Total expenses		<u>\$3,066,341</u>	

Section 13. The 1997 appropriation for the Utility Fund, initially appropriated by Ordinance No. 2473 in the amount of \$34,334,034 is hereby increased by \$209,291 which, when added to the fund balance as of the City Council action on June 23, 1997 will equal \$34,543,325. The actual amount in the Utility 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 1996 carryover.

Section 14. The \$209,291 increase in the Utility Fund shall be allocated to City Revenue and Expense accounts which shall be amended as follows:

<u>Description</u> <u>Final Budget</u>	<u>Current Budget</u>	<u>\$ Increase</u>	
<u>REVENUES</u>			
Carryover 20-0090-000	\$1,611,644	\$145,073	\$1,756,717
Carryover 21-0090-000	3,997,390	<u>64,218</u>	4,061,608
Total Change to Revenues		<u>\$209,2911</u>	
<u>EXPENSES</u>			
Finance Incentive 20-15-24-444-000	\$-0-	\$3,948	\$3,948
Water Incentive 20-35-05-444-000	-0-	\$10,212	10,212
Professional Services 20-35-48-209-000	280,000	84,913	364,913
Computer Hardware 20-35-50-405-000	5,500	46,000	51,500
Wastewater Incentive 21-35-49-444-000	-0-	47,024	47,024
Computer Hardware 21-35-50-405-000	3,000	3,500	6,500
Professional Services 21-35-50-299-000	391,500	<u>13,694</u>	405,194
Total change to Expenses		<u>\$209,291</u>	

Section 15- 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 16 This ordinance shall take effect upon its passage after the second reading.

Section 17 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 23th day of June, 1997.

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

ATTEST:

Mayor

City Clerk

Date: June 23, 1997

Subject: Councillor's Bill No. re Public Nuisance Enforcement

Prepared by: Dan Montgomery, Chief of Police
Steve Peterson, Sergeant

Introduction

City Council action is requested to pass the attached Councillor's Bill on first reading which amends the Westminster Municipal Code, Section 8-4-2 regarding "Public Nuisance." This change will permit the issuance of a summons and complaint to persons in violation in lieu of lengthy civil abatement proceedings.

Summary

Staff recognizes the continuing need to be responsive to citizens/neighbors (the victims) of run down properties and to resolve these issues in a timely manner. The current process of civil abatement can take up to six months to resolve which is frustration to the victims and is costly to the City. When it becomes apparent that a violator will not comply with code requirements, a summons could be issued for the next available court date. The Municipal Court could determine that a public nuisance exists and order compliance with the code or immediate abatement by the City. By adopting this change, public nuisance issues would be resolved in a more timely manner, significant staff time will be saved, abatement funding will be saved, and most of all, staff would be more responsive to the needs of the citizens of Westminster.

Staff Recommendation

Pass Councillor's Bill No. on first reading amending Section 8-4-2 of the Westminster Municipal Code which will provide for issuance of a Municipal Summons and Complaint for violation of Public Nuisance Codes.

Background Information

Typically, public nuisance issues include weed growth, run down properties, outside storage of junk, junk vehicles, trash and other situations which interfere with the reasonable enjoyment of property by neighbors. These problems become blights in neighborhoods and devalue property.

Currently, the only tool available to the Code Enforcement Officer is the Civil Abatement process. This process may take up to six months or longer from the time of complaint to resolution.

The civil abatement requires a great deal of staff time and requires the commitment of City funds for purposes of abatement. These funds are difficult to recover in many cases.

The process of Civil Abatement requires that a person who demonstrates that compliance is probably not going to be achieved (30-90 days after the initial complaint) be given a notice to abate the nuisance within seven days.

When compliance has not been achieved, the case is brought before the City Attorney's Office where the Civil Summons and Complaint is drafted (two weeks) and then served (approximately 30 days). The court then may order compliance within a certain time period or abatement of the nuisance at the initial expense of the City. The City then may attempt to recover the cost.

The issuance of a summons to a code violator when it is determined that cooperation is not forthcoming will reduce the time involved in achieving compliance. The summons would be issued, requiring appearance in Westminster Municipal Court on the next available court date. Evidence presented would assist the court in determining that a public nuisance exists and allow the Court to order compliance within a specified time limit. Non-compliance would become a violation of order.

Staff would like to point out that Code Enforcement has become very successful in gaining voluntary compliance from most violators. Currently, only three percent (the worst offenders) of cases result in summons or abatement in order to gain compliance. However, in order to gain a higher level of customer service satisfaction, this ordinance and approach are recommended.

Respectfully submitted,

William M. Christopher
City Manager

Attachment: Councillor's Bill

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. _____

SERIES OF 1997

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE WESTMINSTER MUNICIPAL CODE
CONCERNING ENFORCEMENT OF THE CITY'S NUISANCE
ABATEMENT PROCEDURES

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Section 8-4-2, W.M.C., is hereby amended BY THE ADDITION OF A NEW SUBSECTION to read as follows:

8-4-2: NUISANCE DEFINED; ENFORCEMENT; VIOLATION SUBJECT TO CONTEMPT:

(A) The following are deemed to be a public nuisance:

1. Any building, land, substance or personal property, the use or condition of which presents a substantial danger or hazard to the physical health or safety of the public, or used for any purpose which is in violation of the provisions of the Official Code of the City of Westminster.
2. The conducting or maintaining of any business, occupation, operation, or activity in violation of the provisions of the Official Code of the City of Westminster.
3. Any business, occupation, operation, activity, or any building, land, substance, or personal property the use or condition of which has been identified as a public nuisance in the Official Code of the City of Westminster, the Colorado Revised Statutes, or the common law.

(B) IT SHALL BE UNLAWFUL FOR ANY PERSON TO VIOLATE ANY OF THE PROVISIONS OF THIS CHAPTER. ANY PERSON FOUND GUILTY OF VIOLATING ANY OF THE PROVISIONS OF THIS CHAPTER SHALL, UPON CONVICTION THEREOF, BE PUNISHED BY A FINE PURSUANT TO SECTION 1-8-1 OF THIS CODE. EACH DAY THAT A VIOLATION OF ANY OF THE PROVISIONS OF THIS CHAPTER CONTINUES TO EXIST SHALL BE DEEMED TO BE A SEPARATE AND DISTINCT VIOLATION.

(C) WHENEVER, IN A CRIMINAL OR NONCRIMINAL PROSECUTION UNDER THIS CODE, THE MUNICIPAL COURT FINDS THE EXISTENCE OF A NUISANCE, THE COURT IS AUTHORIZED TO ABATE THE NUISANCE AND ASSESS COSTS IN THE SAME FASHION AS IF A CIVIL ABATEMENT PROCEEDING HAD BEEN COMMENCED UNDER TITLE 8, CHAPTER 4 OF THIS CODE.

~~(B)~~(D) Any violation of any injunction or order issued by the Municipal Court in an action to abate a public nuisance may be punished as a contempt of court or by a fine as specified in section 1-8-1 of this Code. Unless the violation by its nature cannot be corrected, each day's failure to comply with an injunction or order to abate shall constitute a separate violation, for which an additional penalty may be imposed.

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 23rd day of June, 1997.

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

Mayor

ATTEST:

City Clerk

Date: June 23, 1997
Subject: Councillor's Bill No. re Liquor License Fees
Prepared by: Michele Kelley, City Clerk

Introduction

City Council action is requested to pass on first reading the attached Councillor's Bill, adjusting the liquor license fees as provided for in the State law.

Summary

Recently the State Law pertaining to liquor licensing was reorganized to rearrange the sections of the law. In addition, several fee changes were also part of the new State law. Accordingly, the City's ordinance pertaining to liquor licensing fees is required to be changed to reflect the State requirement of the maximum amount of money the City is allowed to collect for processing specific licenses and changes.

Staff Recommendation

Pass Councillor's Bill No. on first reading amending the Municipal Code to amend the liquor licensing fees.

Background Information

During the past several years it has been suggested to the Liquor Enforcement Division that the State Liquor and Beer Codes needed to be reorganized. The Liquor Enforcement Division of the Colorado Department of Revenue created a 40 person panel, representing segments of the liquor and beer industry, the legal profession, and local and state government (which included Detective Kim Barron, Liquor Compliance Officer for the City of Westminster) and recommendations were made to the legislature concerning recodification, fee increases and substantive changes to the codes. The changes all take effect on July 1, 1997. The only changes that affect the Westminster Municipal Code relate to the fee changes.

Respectfully submitted,

William M. Christopher
City Manager

Attachment: Councillor's Bill

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. _____

SERIES OF 1997

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE WESTMINSTER MUNICIPAL CODE CONCERNING LIQUOR LICENSING FEES

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Section 5-14-5, W.M.C., is hereby amended as follows:

5-14-5: FEES:

(A) Each application for a license or transfer of a license shall be accompanied by the following application fees:

1. For a new license, ~~four hundred fifty dollars (\$450)~~ FIVE HUNDRED DOLLARS (\$500);
2. For a transfer of location or ownership, ~~two hundred fifty dollars (\$250)~~ FIVE HUNDRED DOLLARS (\$500);
3. For renewal of a license, fifty dollars (\$50)
4. For transfer of ownership, ~~two hundred fifty dollars (\$250)~~ FIVE HUNDRED DOLLARS (\$500);
5. For a manager registration, seventy five dollars (\$75)
6. For a ~~temporary license~~ LATE RENEWAL APPLICATION FEE, where the license has expired, ~~two hundred fifty dollars (\$250)~~ FIVE HUNDRED DOLLARS (\$500);
7. For a temporary permit to continue selling pending a transfer of the permanent license, one hundred dollars (\$100)
8. Change of corporate structure or transfer of stock, ~~fifty dollars (\$50)~~ ONE HUNDRED DOLLARS (\$100) PER PERSON INVESTIGATED BY THE CITY OF WESTMINSTER
9. Special events permit, FOR LIQUOR twenty five dollars (\$25) FOR 3.2% BEER TEN DOLLARS (\$10)
10. ~~Modification of premises, fifty dollars (\$50)~~

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 23RD day of jUNE, 1997.

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

ATTEST:

Mayor

City Clerk

Date: June 23, 1997
Subject: Councillor's Bill No. 33 re Comprehensive Land Use Plan
Prepared by: Max Ruppeck, Planner III

Introduction

City Council is requested to pass on second reading the City's Comprehensive Land Use Plan including certain map and text changes.

Summary

At the City Council Study Session on June 16, Staff distributed three minor map changes (see maps attached to the June 16 Staff Report) and three suggested text changes for City Council consideration. These six changes have been incorporated into the Plan along with a map change for the Tepper Property at the northwest corner of 72nd Avenue and Sheridan Boulevard.

Staff Recommendation

Pass Councillor's Bill No. 33 on second reading incorporating the following revisions:

1. The land use designation for an approximate 7 acre parcel of land near the southeast corner of 88th Avenue and Federal Boulevard owned by the Pillar of Fire Church be changed to "Office" from "Single Family Attached Residential".
2. The land use designation for an approximately 2 acre parcel of land near the southwest corner of 120th Avenue and Sheridan Boulevard, owned by the Docheff Family, be changed to "Commercial" from "Single Family Detached Residential".
3. The land use designation of an approximately 4 acre parcel at the southwest corner of Wadsworth Parkway and Independence Drive, owned by the Bruchez Family, be changed to "Office" from "Office/Residential".
4. The text describing the "Office/Residential" land use designation should be changed as follows (underlined words represent suggested revisions):

"Areas designated for Office/Residential are intended for professional and commercial offices and moderate density residential uses, located in a low-scale development that is compatible with surrounding residential neighborhoods. Support commercial, including restaurants and limited retail uses such as pharmacies and office supply facilities, may be allowed as a conditional use but only when developed in conjunction and accessory to office uses. Commercial support uses are limited to 10 percent of the total building area and are restricted to 50 percent of the ground floor of a building. Developments in this category should be either residential or office with residential densities not to exceed 10 dwelling units per acre. Buildings will be limited to 2 1/2 stories. A combination of office/residential uses may be considered if the total area to be developed is a contiguous 10 acres or more."

In addition, to the above changes, Staff and City Council discussed the Schoenberg Farms/Tepper property, located at the northwest corner of 72nd Avenue and Sheridan Boulevard. City Council concluded that the land use designation be changed from "Office/Residential" to "Commercial", not to exceed 15 acres in area with the frontage along Sheridan Boulevard not to exceed 600 feet. Staff recommends this revision be incorporated within the Comprehensive Land Use Plan map.

Background Information

The changes described above are the final revisions to the Plan which are scheduled for second reading by City Council. Further changes will require a formal Plan amendment process (as outlined in Chapter IV of the Comprehensive Land Use Plan text).

200 copies of the complete Plan will be prepared during the next few weeks. 300 copies of a "summary" Plan (or "poster" plan) will be prepared for general public use. This "poster" plan will contain a summary of the key elements of the Plan and a full-colored copy of the Land Use Plan map.

Respectfully submitted,

William M. Christopher
City Manager

Date: June 23, 1997
Subject: Financial Report for May 1997
Prepared by: Mary Ann Parrot, Finance Director

Introduction

City Council is requested to review the attached financial statements which reflect 1997 transactions through May, 1997.

Summary

There are three sections to the attached report:

1. Revenue Summary
2. Statement of Expenditures vs Appropriations
3. Sales Tax Detail

General Fund revenues represent 43% of the total budget estimate while General Fund expenditures and encumbrances represent 41% of the 1997 appropriation.

Utility Fund revenues represent 44% of the total budget estimate. Utility Fund expenditures and encumbrances represent 47% of the 1997 appropriation. The large amount encumbered is for payments to Thornton for treated water and to the Metro Wastewater Reclamation District for sewage treatment.

The Sales and Use Tax Fund revenues represent 43% of the total budget estimate, while expenditures and encumbrances in that fund represent 42% of the 1997 appropriation. Total Sales and Use Tax revenues for the 25 shopping centers reported increased 12% from the same period last year and increased 8% year-to-date.

The Open Space Fund revenues represent 57% of the total budget estimate while expenditures and encumbrances in that fund represent 14% of the 1997 appropriation. In March, the City issued \$23,350,000 in bonds; \$12,000,000 was allocated for open space land purchases which is intended to be spent during the next three years.

The Golf Course Fund operating revenues represent 30% of the total budget estimate while operating expenditures and encumbrances in that fund represent 37% of the 1997 appropriation. The encumbrances are for the golf cart lease and other foreseeable expenditures. In March, a portion of the 1992 Sales & Use Tax Revenue bonds were refunded. A portion of those bonds were used to finance construction of Legacy Ridge. The large revenue and expense is the golf course's portion of bond proceeds which were, in turn, expensed to the escrow agent for refunding.

Theoretically, 42% of revenues and expenditures should be realized after five months in the budget year. However, it is recognized that both revenues and expenditures do not occur on an even 1/12 flow each month of the year.

Staff Recommendation

Accept the report as presented.

Background Information

Section 9.6 of the City Charter requires that the City Manager provide, at least quarterly, financial data showing the relationship between the estimated and actual revenue expenditures to date.

Respectfully submitted,

William M. Christopher
City Manager

Attachments