



WESTMINSTER  
COLORADO

**JULY 10, 2000**  
**7:00 P.M.**  
**AGENDA**

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

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

1. Pledge of Allegiance
2. Roll Call
3. Consideration of Minutes of Preceding Meetings
4. Presentations
  - A. Proclamation for Tom Ward Jr
  - B. Proclamation for George Joe Sakato
5. Citizen Communication
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. Cash Receiving System with Paradigm Consulting Group for \$69,215
  - B. Bids re NorthPark Traffic Calming Project to K.E.C.I. Colorado Inc for \$175,746
  - C. Westminster Boulevard Extension to SEMA Construction for \$6,523,033 and MK Centennial for \$685,000 for construction engineering
  - D. Semper Water Treatment Facility Rehabilitation Final Contract Payment to Restruction Corp for \$70,000
  - E. Westminster Promenade West – Developer Reimbursements for City owned Arcades to WestCol Center for \$101,245,54 and Dave and Buster's Inc for \$25,373
  - F. Shaw Heights Water Rehabilitation Project to Levi Construction for \$544,100
  - G. Standley Lake Phase I Change Order/Construction Services with DHM Design for \$45,000
  - H. IGA with Thornton re Professional Consulting Services for I-25 Corridor Area
  - I. Computer Aided Dispatch/Records Management System for \$1,473,475 Intergraph Public Safety Systems
  - J. Councillor's Bill No. 50 re Panorama Pointe Senior Center Construction (Moss-Dixion)
  - K. Councillor's Bill No. 51 re Appropriation of Incentive Carryover from 1999 (Moss-Atchison)
9. Appointments and Resignations
  - A. Volunteer Fire Pension Board Appointment
  - B. Boards and Commission Pool Deadline
10. Public Hearings and Other New Business
  - A. TABLED Resolution No. 33 re Career Enrichment Park Site Improvement and Utilization Plan
  - B. TABLED Bids for 2000 Traffic Signal Projects
  - C. Public Hearing re 2001 City Budget Citizen's Input
  - D. Public Hearing re Annexation/Zoning and PDP for Freedom Inc, City Open Space and Jefferson Academy located north and south side of 99<sup>th</sup> Avenue west of Wadsworth Boulevard
  - E. Resolution No. 50 Findings re Annexation of City Open Space and Freedom Inc Properties
  - F. Finding on Annexation of Jefferson Academy property
  - G. Councillor's Bill No. 53 re Annexation of City Open Space and Freedom Inc. Properties
  - H. Councillor's Bill No. 54 re Zoning City Open Space Property and Freedom Inc. Property

- I. Preliminary Development Plan for Freedom Inc. Property
  - J. Public Hearing re East Bay Senior Housing Annexation, PDP/ODP and Comprehensive Land Use Plan Amendment located south side of 68<sup>th</sup> Avenue west of Lowell Boulevard
  - K. Resolution No. 51 re Findings re Annexation of East Bay Development
  - L. Councillor's Bill No. 55 Annexing 1.46 acres of East Bay Development
  - M. Councillor's Bill No. 56 Zoning 1.46 acres of East Bay Development PUD
  - N. Councillor's Bill No. 57 Amending Comprehensive Land Use Plan to include East Bay Development
  - O. Preliminary Development Plan/Official Development Plan for East Bay Development
  - P. Public Hearing re BAM Animal Hospital Annexation, Zoning and PDP 4.55 acres located at 7453 West 105th Avenue
  - Q. Resolution No. 52 Findings re Annexation of BAM Animal Hospital
  - R. Councillor's Bill No. 58 re Annexation of 4.55 acre BAM Animal Hospital
  - S. Councillor's Bill No. 59 re Zoning BAM Animal Hospital
  - T. Preliminary Development Plan for BAM Pet Hospital
  - U. Resolution No. 53 re Estate at Wexford Service Commitment Award B-3 Category Extension
  - V. IGA with Northglenn, Thornton, Farmers Reservoir and Coors Brewing Co re Settlement of Water Quality Issues with Black Hawk and Central City, with payment of \$157,500 into escrow account
  - W. Amendment North I-25 IGA with Thornton
  - X. IGA with Thornton relocation of United Power Electric Substation located at 136<sup>th</sup> Ave & I-25
  - Y. Resolution No. 54 re Park Services Staffing for Promenade Maintenance
  - Z. Resolution No. 55 re Recreation Facility Fees
  - AA. Resolution No. 56 re Heritage Golf Course Green Fee Increase
  - BB. Councillor's Bill No. 60 re 2000 Budget Supplemental Appropriation
- 11. Old Business and Passage of Ordinances on Second Reading**
- A. Councillor's Bill No. 52 re 1999 Carryover Revenues Capital Improvement Projects (Merkel-Dixon)
- 12. Citizen Presentations and Miscellaneous Business**
- A. Quarterly Insurance Report
  - B. City Council
  - C. Request for Executive Session
    - 1. Clearwell Update
- 13. Adjournment**

**GENERAL PUBLIC HEARING PROCEDURES ON LAND USE MATTERS:**

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

CITY OF WESTMINSTER, COLORADO  
MINUTES OF THE CITY COUNCIL MEETING  
HELD ON MONDAY, JULY 10, 2000 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE:

Mayor Pro Tem Dixon led Council, Staff and the audience in the Pledge of Allegiance.

ROLL CALL:

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

CONSIDERATION OF MINUTES:

A motion was made by Merkel and seconded by Atchison to accept the minutes of the meeting of June 26, 2000 with no additions or corrections. The motion carried unanimously.

PRESENTATIONS:

Mayor Pro Tem Dixon presented a proclamation to Tom Ward in recognition of his diligent work with 7 developmentally disabled students from Stanley Lake High School.

The Mayor Pro Tem presented a proclamation to George Joe Sakato in recognition of his recent Medal of Honor designation.

CITIZEN COMMUNICATION:

Mike Massaroti, retiring Superintendent of School District 50 thanked the City of Westminster for the cooperative relationship with School District 50 over the past 24 years. He presented the City with 4 historical framed pictures.

Marge Pearl, 6140 W 111<sup>th</sup> Ave; Terry Rivers, 5841 W 108<sup>th</sup> Ave; Ray Tillman 5720 W 108<sup>th</sup> Ave; Gary Mash 10799 Lamar St; Joe Romanski, 6011 West 111<sup>th</sup> Avenue; Rhonda Apone, 5721 W 108<sup>th</sup> Ave; Patty Roach, 5731 West 108<sup>th</sup> Avenue and Larry Stevens, 5702 West 109<sup>th</sup> Avenue spoke regarding the issue of opening Eaton and Lamar Street from Sheridan Green subdivision to the Westminster Promenade area. Petitions circulated within the neighborhood were submitted.

Jim Christensen new Superintendent of Adams 12 School introduced himself to City Council

CONSENT AGENDA:

The following items were considered as part of the Consent Agenda: Cash Receipting System – Authorize City Manager to enter into a contract with Paradigm Consulting Group for the purchase of a new cash receipting and payment processing system for a price not to exceed \$69,215, and charge this expense to the 2000 Capital Improvement Program budget; Northpark Traffic Calming Project Bids - Authorize the City Manager to execute a contract with K.E.C.I. Colorado, Inc. for the construction of traffic calming devices on 99<sup>th</sup> and Northpark Avenues, in an amount not to exceed \$ 175,746.00; establish an estimated project contingency in the amount of \$ 26,000 for a total project budget of \$201,746.00; and charge all of the expenses to the appropriate project account in the General Capital Improvements Fund; Westminster Boulevard Extension Construction Contract - Authorize the City Manager to sign contracts with SEMA Construction Inc. for the construction of the Westminster Boulevard Extension in the amount of \$6,523,033, and with MK Centennial for construction engineering in an amount not to exceed \$685,000; authorize the expenditure of \$8,288,033 for these contracts and a contingency, along with \$150,000 for street lighting, \$177,000 for upgraded privacy fencing along Harlan Street, between 92<sup>nd</sup> and 95<sup>th</sup> Avenues, and charge these expenses to the appropriate capital project account;

Semper Water Treatment Facility Rehabilitation Final Contract Payment – Authorize the City Manager to approve final payment in an amount not to exceed \$70,000 to Restruction Corporation that concludes all work to the rehabilitation of the High Service Pump Station and charge the expense to the Semper Rehabilitation Capital Improvement Account; Westminster Promenade West Developer Reimbursement – Authorize the payment of \$101,245.54 to WestCol Center LLC and \$25,373 to Dave and Buster’s Inc. for the construction of the City-owned arcades in the Westminster Promenade West project and charge the expense to the appropriate project account in the General Capital Improvement Fund; Shaw Heights Water Rehabilitation Project - Award a contract to the low bidder, Levi Construction, in the amount of \$544,100 for the Shaw Heights Water Rehabilitation Project; authorize the City Manager to execute a contract between the City and Levi Construction to complete the specified work as described in the project documentation; authorize a construction budget of \$544,100 with a 10% contingency budget of \$54,410 and charge the appropriate project account in the Capital Improvement Project budget; Standley Lake Phase I Change Order/Construction Services - Authorize the City Manager to sign a change order with DHM Design Corporation in the amount of \$45,000 for construction services required to complete Standley Lake Phase I design improvements and charge this expense to the appropriate account in the 2000 General Capital Improvement Project Fund; IGA with Thornton for Professional Consulting Services for I-25 Corridor Area – Authorize the City Manager to execute the IGA between the City of Thornton and City of Westminster for Professional Consulting Services for the Interstate 25 Corridor Area; Computer Aided Dispatch and Records Management System - Authorize the City Manager to execute a contract with Intergraph Public Safety Systems in the amount of \$1,473,475 for a new integrated Computer Aided Dispatch, Police Records Management Information System, Fire Records Management Information System, Mobile Computer System for Police and Fire, and interface to an Automatic Vehicle Locator System and charge the expense to the General Fund Capital Project budget with a portion of the City funds to be provided in 2001.

The Mayor Pro Tem 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 were no requests.

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

#### APPOINTMENT TO THE VOLUNTEER FIRE PENSION BOARD:

A motion was made by Atchison and seconded by Hicks to appoint Gary Buschy to a two-year term on the Volunteer Fire Pension Board with the term of office to expire on December 31, 2001. The motion carried unanimously.

#### BOARDS AND COMMISSIONS POOL

A motion was made by Atchison and seconded by Moss to establish a deadline of October 31, 2000 to receive applications from citizens interested in the next cycle of the Boards and Commissions “Pool” and advertise this opportunity to become involved in the Westminster City government.

#### BIDS FOR THE 2000 TRAFFIC SIGNAL PROJECTS:

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

A motion was made by Smith and seconded by Hicks to authorize the City Manager to execute a contract with the low bidder, Colorado Signal Inc., in the amount of \$183,217 for the construction of the 2000 Traffic Signal Projects; authorize the expenditure of \$58,575 to Valmont Industries for traffic signal poles and mast arms; authorize the expenditure of \$35,200 to Econolite Control Products, Inc. for traffic signal controllers and cabinets; authorize the expenditure of \$10,449 to 3M, Inc. for emergency vehicle pre-emption equipment; authorize a total project budget of \$324,084 which includes \$36,643 for a 20% construction contingency; and charge these expenses to the appropriate project account in the General Capital Improvement Fund. The motion carried unanimously.

FIRST PUBLIC HEARING ON 2001 CITY BUDGET:

At 8:12 P.M. the public hearing was opened for citizen input on the 2001 City Budget. Terry Rivers, 5841 West 108<sup>th</sup> Avenue requested money in the budget for maintenance of the vehicle speed monitoring trailers the City has available to be placed within neighborhoods. He also requested that a sign be placed on the trailer so citizens would know how to request the vehicle speed monitoring trailer for their neighborhood. Dale Emme of the Yellow Ribbon Suicide Prevention Program requested \$5,000 for their organization. Mr. Emme also requested assistance from the City in located an office area of between 3,000 and 3,500 square feet for their organization to use. At 8:25 P.M. the public hearing was closed.

PUBLIC HEARING-ANNEXATION/ZONING/PDP - FREEDOM INC/OPEN SPACE/JEFFCO ACADEMY

At 8:26 P.M. the public hearing on the annexation, zoning and preliminary development plan for Freedom Inc, Jefferson County Academy and City of Westminster Open Space land, located at 99<sup>th</sup> Avenue west of Wadsworth Boulevard.

Planning Manager Dave Shinneman entered a copy of the Agenda Memorandum, Planning Commission recommendation and other related items as exhibits. Dave Anderson representing Freedom Inc & Jeff Academy spoke in favor of this application. The following people spoke in opposition: Joe Haake, 10025 Allison Street; Dennis Holliday, 8266 W 99<sup>th</sup> Ave; Cheryl Haines, 7986 West W 99<sup>th</sup> Ave and Valinda Nance, 10036 Allison Court. The following people were opposed to Jefferson Academy annexation but did not speak: Rebecca Ernst, 8206 West 99<sup>th</sup> Avenue; David Knuesel, 8056 West 99<sup>th</sup> Avenue; Dev Mahanti, 10046 Allison Court, Cleo Ericksen, 9940 Ammons Circle, Richard Pachello and Carol Ann Pachello, 9931 Ammons Circle.

A motion was made by Councillor Hicks and seconded by Councillor Atchison to continue the public hearing until the July 24<sup>th</sup>, City Council meeting. The motion carried unanimously. At 9:20 P.M. the public hearing was declared continued.

PUBLIC HEARING-ON EAST BAY SENIOR HOUSING ANNEXATION AND PDP/ODP:

At 9:21 P.M. the meeting was opened to a public hearing on the annexation, zoning and Preliminary Development Plan for the East Bay Senior Housing development, located on the south side of 68<sup>th</sup> Avenue west of Lowell Boulevard. Planning Manager Dave Shinneman entered a copy of the Agenda Memorandum, Planning Commission recommendation and other related items as exhibits. Stanley Pouw, and Keith Sutton, Director of Real Estate Development for Brothers Redevelopment spoke in favor of this application. No one spoke in opposition. At 9:34 P.M. the public hearing was declared closed.

RESOLUTION NO. 51 – FINDINGS RE ANNEXATION OF EAST BAY DEVELOPMENT:

A motion was made by Hicks and seconded by Merkel to adopt Resolution No. 51 making certain findings as required by State Statutes for the annexation of East Bay Development. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 55 – ANNEXATION OF EAST BAY DEVELOPMENT:

A motion was made by Hicks and seconded by Merkel to pass Councillor's Bill No. 55 on first reading, annexing 1.46 acres on the east side of East Bay development. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 56 – ZONING OF EAST BAY DEVELOPMENT TO PUD:

A motion was made by Hicks and seconded by Merkel to pass Councillor's Bill No. 56 on first reading, zoning the annexed property to Planned Unit Development. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 57 – COMPREHENSIVE LAND USE PLAN AMENDMENT FOR EAST BAY:

A motion was made by Hicks and seconded by Merkel to pass Councillor's Bill No 57 on first reading amending the Comprehensive Land Use Plan to include the annexed area as Multi-family residential. Upon roll call vote, the motion carried unanimously.

PRELIMINARY/OFFICIAL DEVELOPMENT PLANS FOR EAST BAY DEVELOPMENT:

A motion was made by Hicks and seconded by Merkel. to approve the first amended Preliminary Development/Official Development plan for East Bay Development. The motion carried unanimously

PUBLIC HEARING ON BAM ANIMAL HOSPITAL ANNEXATION/ZONING AND PDP:

At 9:40 PM the public hearing was opened for consideration of the annexation and zoning for the BAM Pet hospital, located at 7453 West 105<sup>th</sup> Avenue. Planning Manager Dave Shinneman entered a copy of the Agenda Memorandum, Planning Commission recommendation and other related items as exhibits. Dr. Lee Woods, applicant addressed City Council and spoke in favor of this application. Jerry Gieseke 10573 Reed St asked questions about this development. At 10:14 P.M. the public hearing was closed.

RESOLUTION NO. 52 – FINDINGS FOR ANNEXATION BAM ANIMAL HOSPITAL:

A motion was made by Atchison and seconded by Smith to adopt Resolution No. 52 making certain findings of fact as required by State Statutes regarding the annexation of 7453 West 105<sup>th</sup> Avenue. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 58 – ANNEXATION OF BAM ANIMAL HOSPITAL PROPERTY:

A motion was made by Atchison and seconded by Smith to pass Councillor's Bill No. 58 on first reading approving the Woods first, second and third annexations. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 59 – ZONING BAM ANIMAL HOSPITAL:

A motion was made by Atchison and seconded by Smith to pass Councillor's Bill No. 59 on first reading zoning the Woods property from Jefferson County A-1 to City of Westminster Planned Unit Development. Upon roll call vote, the motion carried unanimously.

PRELIMINARY DEVELOPMENT PLAN FOR BAM PET HOSPITAL:

A motion was made by Atchison and seconded by Smith to approve the Preliminary Development Plan for the BAM Pet Hospital with the following additions. 1. Defer the 105<sup>th</sup> Ave improvements until such alignment of Reed St have been determined and the designated funds will be used for Reed St instead of 105<sup>th</sup> Ave improvements. Also the applicant will design the building so that there are no outdoor runs for the animals and no animal sounds will be audible when the animals are within the structure. The motion carried unanimously.

RESOLUTION NO 53 EXTENDING THE EXISTING CATEGORY B-3 ESTATES AT WEXFORD

A motion was made by Hicks and seconded by Merkel to adopt Resolution No. 53 extending the existing Category B-3 Service Commitment award to the Estates at Wexford multi-family project based on a finding that the Estates at Wexford project meets Westminster Municipal Code Section 11-3-2 (A) 2 criteria of the City's Growth Management Program. Upon roll call vote, the motion carried unanimously.

IGA FUNDING OF WATER QUALITY SETTLEMENT WITH BLACK HAWK & CENTRAL CITY:

A motion was made by Atchison and seconded by Merkel to authorize the City Manager to execute an Intergovernmental Agreement with the Cities of Northglenn and Thornton, the Farmers Reservoir and Irrigation Company and the Coors Brewing Company regarding settlement of water quality issues with Black Hawk and Central City, pay up to \$157,500 into an escrow fund established pursuant to the IGA, and charge the expense to the appropriate account in the Water Resources and Treatment Operating Budget. The motion carried unanimously.

AMENDMENT TO IGA RE NORTH I-25 WITH THORNTON:

A motion was made by Hicks and seconded by Smith to authorize the Mayor to execute the amended Intergovernmental Agreement with the City of Thornton regarding the Interstate 25 Growth Corridor. The motion carried unanimously.

IGA WITH THORNTON TO RELOCATE UNITED POWER SUBSTATION:

A motion was made by Hicks and seconded by Merkel to authorize the Mayor to execute an IGA with the City of Thornton regarding funding and contract administration for the relocation of the existing United Power electric substation located in the southwest quadrant of the proposed 136<sup>th</sup> Avenue interchange on I-25.

Mr. Ed Sutton addressed Council regarding this issue. A suggested amendment by City Attorney Marty McCullough was accepted as a friendly amendment as follows: Add paragraph 13: "The obligations of the parties under this agreement are expressly contingent upon the prior approval of the relocation agreement by the parties respective governing bodies. The motion as amended carried unanimously.

RESOLUTION NO. 54 RE PARK SERVICES STAFFING AT PROMENADE:

A motion was made by Merkel and seconded by Moss to adopt Resolution No. 54 amending the Park Services authorized personnel for 2000 by adding three indexed permanent part-time, non-benefited Custodian I positions to be used for maintenance of the Westminster Promenade. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO 55 RE RECREATION FACILITY FEES:

A motion was made by Merkel and seconded by Smith to adopt Resolution No. 55 approving the recreation facility fee schedule to become effective January 1, 2001 with the exception of West View Recreation Center fees, which will take effect immediately, and authorizing the City Manager to raise daily admission fees annually at all recreations up to \$.25 and all season passes up to \$30 using data collected from other public and private facilities to warrant any changes. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO 56 HERITAGE GOLF COURSE FEE:

A motion was made by Atchison and seconded by Merkel to adopt Resolution No. 56 approving the Heritage Golf Course fee increase of \$2 across the board to become effective immediately. This change would make The Heritage Gold Course fees consistent with those of Legacy Ridge Golf Course. A greens fee adjustment of \$2 per category is recommended in order to achieve a balanced revenue and expenditure picture for the remainder of 2000. A motion was made by Smith and seconded by Merkel to table this item until the July 17<sup>th</sup> Special Council meeting. The motion carried unanimously.



COUNCILOR'S BILL NO 60 2000 BUDGET SUPPLEMENTAL APPROPRIATION:

A motion was made by Smith and seconded by Hicks to pass Councillor's Bill No. 60 on first reading providing for supplementary appropriations to the 2000 General Fund and General Capital Improvement Fund. Upon roll call vote, the motion carried unanimously.

ORDINANCE NO 2790 1999 CARRYOVER REVENUE FOR CAPITAL IMPROVEMENT PROJECTS:

A motion was made by Merkel and seconded by Hicks to pass Councillor's Bill No. 52 on second reading appropriating 1999 carryover funds for capital improvement projects. Upon roll call vote, the motion carried with a dissenting vote from Moss.

QUARTERLY INSURANCE REPORT

City Council reviewed the quarterly insurance report.

MISCELLANEOUS BUSINESS:

Mayor Pro Tem Dixon stated there would be an Executive Session regarding contract negotiations on a hotel and Heritage Golf Course.

ADJOURNMENT:

The meeting was adjourned at 11:05 P.M

ATTEST:

\_\_\_\_\_  
Mayor

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



**WESTMINSTER**  
**COLORADO**  
**Agenda Memorandum**

**Date:** July 10, 2000  
**Subject:** Proclamation for Tom Ward  
**Prepared by:** Michele Kelley, City Clerk

**Introduction**

The City Clerk's office has been informed about the outstanding hard work of one of the students from Standley Lake High School, and it has been requested that the City recognize this young man.

**Summary**

Tom Ward is a recent graduate of Standley Lake High. During this past school year, Tom has been working with 7 developmentally disabled students training them in weight lifting for the Special Olympics athletic competition.

Tom worked with these 7 students, developed a schedule for the use of Standley Lake High School's weight training equipment, after school hours on his own time, and also driving these students home when needed. He started working with these students in January, 2000 and all 7 students were able to compete in the regional Special Olympics held in Northglenn on April 9<sup>th</sup>.

Tom is interested in a career as a firefighter in order to help other people. Tom, along with his mother, Audrey, his father, Tom Sr, his twin sisters Danielle and Abba and his girlfriend Jen, will all be present for the presentation.

**Staff Recommendation**

Present proclamation to Tom Ward in recognition of his diligent work with other students from Standley Lake High School

**Background**

The mother of one of the students Tom worked with on the weight lifting training, contacted the City Clerk's Office requesting the City Council recognize Tom for the wonderful work he has done with these 7 students from Standley Lake High School. Tom has dedicated his own time to work with these students

The benefits of participation in Special Olympics includes improved physical fitness and motor skills, greater self-confidence, a more positive self image, friendships, and increased family support. These benefits will be carried with these students in the future in their daily lives at home, in the classroom, on the job and in the community.

Respectfully submitted,

William M. Christopher  
City Manager

Attachment

WHEREAS, Tom Ward Jr. has been a student at Standley Lake High School for the past 4 years; and has been a participant in wrestling and football at Standley Lake High School, having a varsity letter in wrestling for three years a varsity letter in football for two years; golf letter, and participated in the State wrestling finals at the Pepsi Center in 2000; and

WHEREAS, Tom Ward Jr. deciding to help others, devised a plan and devoted his personal time, energy and resources training 7 students from Standley Lake High School to participate in the Colorado Special Olympics in weight training; and

WHEREAS, Tom Ward Jr. worked with Standley Lake High School to develop a schedule whereby the students would be able to use the high school's weight training equipment, and worked with these 7 students on his own time, on the weekly basis from January through April, training them in weight lifting, and driving the students home when needed; and

WHEREAS, This training gave these 7 students the opportunity to competed in the regional Special Olympics meet held in Northglenn in April; and the state wide Special Olympics held in June; and

WHEREAS, Tom is a resident of the City of Westminster, and according to Tom's wrestling coach, Ron Granieri and his football coach, Jim Bratten, "He just has a huge heart" – both agree.

NOW, THEREFORE, I, Sam Dixon, Mayor Pro Tem of the City of Westminster, Colorado, on behalf of the entire City Council and Staff, do hereby proclaim July 11th, 2000 as

### **TOM WARD JR DAY**

In the City of Westminster in recognition of his willingness to help others, and his dedication, hard work and commitment to the 7 students of Standley Lake High School who participated in Special Olympics. With Tom's guidance these individuals were given the opportunity to develop physical fitness, demonstrate courage, experience joy and participate in a sharing of gifts, skills and friendship with their families, other Special Olympics athletes and the community.

Signed this 10th day of July, 2000.

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Sam Dixon, Mayor Pro Tem



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

**Date:** July 10, 2000  
**Subject:** Proclamation for George Sakato  
**Prepared by:** Michele Kelley, City Clerk

**Introduction**

The City Clerk's office has been informed about George Joe Sakato, recently being awarded the Medal of Honor.

**Summary**

George Joe Sakato was a 22 year old Army private when he led a charge up a hill in France during a battle in October, 1944. During this battle, 5 Germans were killed and 4 others were captured taking this hill.

Mr. Sakato was part of the Nisei 442<sup>nd</sup> Regimental Combat Team, a segregated group composed primarily of Asian-Americans. The Nisei 442<sup>nd</sup> became one of the most highly decorated group of soldiers in United States history.

Mr. Sakato, along with his wife Betty will be present at Monday night's Council meeting to accept this proclamation.

**Staff Recommendation**

Present proclamation to George Joe Sakato in recognition of his recent Medal of Honor designation.

**Background**

Mr. Sakato is the commander of American Legion Post 185, and a retired Denver postal worker.

Mr. Sakato was recognized at an elegant ceremony in the White House, with the President of the United States draping the Medal of Honor around his neck.

Respectfully submitted,

William M. Christopher  
City Manager  
Attachment

WHEREAS, Mr. Sakato was honored during World War II with the Distinguished Service Cross in June, 1945; and

WHEREAS, Mr. Sakato was part of the Nisei 442<sup>nd</sup> Regimental Combat Team, which became one of the most highly decorated group of soldiers in United States history; and

WHEREAS, Mr. Sakato was a 22 year old Army private when he led a charge up a hill in France during a battle in October, 1944; killing 5 Germans, capturing four others and taking the hill; and

WHEREAS, Mr. Sakato recently was notified by the Pentagon that he was being given the Medal of Honor; and

WHEREAS, Mr. Sakato received this prestigious honor 55 years after the battle on a hill in France; and

WHEREAS, Mr. Sakato received this prestigious honor at the White House on June 14<sup>th</sup>, 2000, during an elegant ceremony, with President Clinton draping the Medal of Honor around his neck; and

WHEREAS, Mr. Sakato is the commander of the American Legion Post 185 in Denver; and

NOW, THEREFORE, I, Sam Dixon, Mayor Pro Tem of the City of Westminster, Colorado, on behalf of the entire City Council and Staff, do hereby proclaim July 11th, 2000 as

**GEORGE “JOE” SAKATO DAY**

in the City of Westminster in recognition of his recently received Medal of Honor, the highest honor for valor in combat.

Signed this 10th day of July, 2000.

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Sam Dixon, Mayor Pro Tem



### WESTMINSTER COLORADO

#### **Agenda Memorandum**

**Date:** July 10, 2000

**Subject:** Cash Receipting System

**Prepared by:** Mary Ann Parrot, Finance Director  
Bob Eichem, Treasury Manager

#### **Introduction**

City Council action is requested to authorize the City Manager to enter into a contract with Paradigm Consulting Group Inc. to provide a Cashier Windows based system for an amount not to exceed \$69,215. Funds are currently budgeted and appropriated for this purchase in the appropriate capital project account.

#### **Summary**

Funds for a new cash receipting and processing system were originally appropriated in 1999. The current system is obsolete and has no external programming support as the developer has left the business. Proposals were solicited in 1999 and none of the responses met the needs of the City. It was then decided to add the cash system requirements to the Financial Management System Request for Proposal so the vendors would search out other solutions. Four proposals were received in early 2000. Pargadigm Consulting Services bid amount of \$65,755 was the lowest cost for what Staff believes to be the best product. The cost would include programming support, training, and development of interfaces between the utility billing system and the general ledger of the City. A 5% contingency of \$3,460 is also included in the project total.

#### **Policy Issue**

The policy issue before City Council is the approval of a contract by a vendor who will provide the best services to the City at the least cost.

#### **Staff Recommendation**

Authorize the City Manager to enter a contract with Paradigm Consulting Group for the purchase of a new cash receipting and payment processing system for a price not to exceed \$69,215, and charge this expense to the 2000 Capital Improvement Program budget.

#### **Background Information**

The system being proposed would replace the current system that has been in place since 1988. The developer of the current system left the business. Therefore, the Information Technology (IT) Department now provides support. The current system required a temporary programming patch to allow it to operate during the year 2000. IT staff has major concerns that a temporary fix will not be reliable during 2001. Colorado Consulting Group, Information Technology, Accounting, and Treasury Staff conducted a thorough review of the current system. A Request for Proposal (RFP) was developed in 1999 that addressed current needs and allowed the City to implement current state of the art processing.

The RFP was sent to six firms in mid-1999. Two responses were received. Both proposals were rejected when it was determined that neither firm could meet sixty percent of the City's current needs and neither firm could improve processing capabilities. The four remaining firms declined to bid based on their conclusion that our needs were too small or they were too busy with Year 2000 issues and did not want to take the time to bid. Staff determined that more leverage could be gained by linking the bidding for the cash system with the Financial Management System (FMS). It was determined that hardware could be purchased that was Year 2000 compliant and would be able to operate any cash receipting software that would be purchased at a later date. In addition, Information Technology Staff developed a temporary fix so the software would operate during 2000. IT has stated they are not confident the system will work efficiently if it is still in use during 2001.

When the proposals for the comprehensive FMS system were received, the FMS vendors proposed four companies.

- One of the systems proposed was very similar to the current DOS based system. Based on the facts that the system uses antiquated technology, ongoing support is questionable, and the system did not meet the requirements of the RFP, it was determined that the system should not be considered. The lack of software support for the current DOS based payroll system was an essential factor in determining that the Financial Management System must be accelerated. One of the main reasons stated for the termination of support for the payroll system was the company can no longer find DOS programmers to support outdated programming technology. The cash receipting company said they were considering changing to a windows based system but had not determined a definite time line. The system matched the current system but would have provided minor improvements.
- Two of the four proposals met all of the needs of the City but both submitted prices of over \$150,000. Based on cost, both were rejected. The excessive costs occur because neither company will sell less than 15 licenses and at this time only two are needed.
- The fourth system, Paradigm, meets the current needs of the City and will facilitate the implementation of a state of the art payment and processing system. Paradigm is specifically designed for local government and utilities. They will sell two licenses plus accompanying software and hardware for \$32,325. If desired, additional licenses can be added at a later date for City buildings other than City Hall. The first year of software support will be \$1,700, which is budgeted in the operating budget of Treasury. Staff also proposes that the integration and training option proposed by Paradigm be included in the contract. The cost for this is \$31,730. The option provides for on site training and the writing of interfaces to both the utility billing system and the JD Edwards Financial Management System (so the information does not have to be manually transferred). Information Technology staff is currently dedicated to the implementation of the FMS system and will not be able to schedule the interface for at least two and one half years, and then may not have time to develop the interface in house. To make the maximum use of available technology and reduce manual intervention on a daily basis, it is recommended that the outsourcing be included in the contract. Cash receipting is not a major financial system and is a very common install. Therefore, a contingency of 5% is included in the total price. If the cost would exceed this amount, it will be covered with current operating funds. Summary of costs is as follows:

- Licenses, Software & Hardware	\$32,325
- Software Support	1,700
- Training & Programming of Integration to FMS and Utility Billing	31,730
- Contingency	<u>3,460</u>
Total Project Cost	<u>\$69,215</u>

**Alternatives:**

1. Do not include the interface option in the contract. This is not recommended, as the City will not realize the full benefit of current technology. Manual processes would be required to upload the information on a daily basis until the interface could be written. This leads to inadequate customer service and increased errors due to manual handling. Information Technology staff has stated that they cannot schedule the project for over two years, and it is doubtful that they would have the staff resources to perform the interface in house. Therefore, the project has a high probability of being outsourced anyway.
2. Do not purchase a new system. Continue to operate with the current system. This is not recommended since the Information Technology staff feels that the current system will not operate correctly in 2001.
3. Issue a request for bid for a less expensive system. This is not recommended as Staff has already requested proposals two times and has had some of the largest financial software vendors in the world looking for a cash system that will meet the City's needs both now and in the future. No other system has come close to meeting the needs of the City or fitting within the funds that are available to purchase the system.

Respectfully submitted,

William M. Christopher  
City Manager





### WESTMINSTER COLORADO

#### Agenda Memorandum

**Date:** July 10, 2000

**Subject:** Northpark Traffic Calming Project Bids

**Prepared by:** Annette Rodenberg, Neighborhood Traffic Specialist

#### Introduction

City Council is requested to authorize the City Manager to execute a construction contract for the Northpark Traffic Calming Project to K.E.C.I. Colorado, Inc. in an amount not to exceed \$175,746.00. Funds for this project are available in the appropriate project account in the General Capital Improvement Fund.

#### Summary

The Northpark Traffic Calming Project consists of the construction of devices known to help control vehicle speeds on residential streets. Traffic calming devices are planned for 99<sup>th</sup> Avenue between Lowell Boulevard and Northpark Avenue, and on Northpark Avenue between Lowell Boulevard and Hooker Street (see the attached map). Three raised crosswalks on 99<sup>th</sup> Avenue are proposed for the two designated school crossings and for a marked trail crossing. Raised center medians would be constructed at each end of this segment of 99<sup>th</sup> Avenue, east of Lowell and south of Northpark Avenue. Northpark Avenue would receive two sets of curb extension with center medians (narrowing the driving lanes) between King Street and King Court, and a raised crosswalk at the existing marked crosswalk near the clubhouse and Northpark Drive.

The selection of these devices was accomplished under the process defined in the City's Traffic Calming Policy, Description and Explanation, 1998. The process included a survey of residents to define the traffic conditions to be addressed and for indications of what devices would be appropriate. City Staff then worked with resident volunteers from the Northpark and Northpark East Homeowners' Associations to define the project. After a series of public meetings, residents were polled for their acceptance of the devices. Of the ballots returned, 79% were in favor of the devices on Northpark Avenue and 84% were in favor of the devices proposed for 99<sup>th</sup> Avenue.

City Council is requested to award the construction bid to K.E.C.I. Colorado, Inc., in an amount not to exceed \$175,746.00 for the construction of the devices as proposed in the locations illustrated on the attached map.

#### Policy Issues

This is the first project ready for construction under the City's Traffic Calming Policy. Is Council comfortable with the actual construction of traffic calming devices?

#### Staff Recommendation

Authorize the City Manager to execute a contract with K.E.C.I. Colorado, Inc. for the construction of traffic calming devices on 99<sup>th</sup> and Northpark Avenues, in an amount not to exceed \$ 175,746.00; establish an estimated project contingency in the amount of \$ 26,000 for a total project budget of \$201,746.00; and charge all of the expenses to the appropriate project account in the General Capital Improvements Fund.

Alternatives

Alternatives to this project include constructing the project in two phases, separating 99<sup>th</sup> Avenue from Northpark Avenue, with a priority given to 99<sup>th</sup> Avenue where there is school-related pedestrian traffic. The total cost for 99<sup>th</sup> Avenue alone would be \$ 113,378. Northpark Avenue could be completed at a later time, but a delay of this portion of the project would likely result in a substantial increase in cost. Additionally, several residents who were involved with the development of the project and who have been anticipating its completion would be disappointed.

**Background**

Several years ago, the City began receiving requests from residents for the installation of speed humps, stop signs and other devices with the aim of reducing vehicle speeds on residential streets. When the proposal for the Northpark Plaza Shopping Center development at the southwest corner of 104<sup>th</sup> Avenue and Federal Boulevard was received, residents of the Northpark subdivision expressed concerns regarding the affects the traffic generated by the commercial site would have on the existing residential streets. The City retained the services of a transportation-engineering firm to assess the situation and to develop a plan for remedial measures to control future traffic in Northpark. Eventually this led to the development of procedural guidelines for the consideration of specific traffic calming techniques that could be used on existing streets as well as on future new developments.

The procedure called for a survey of residents' traffic system needs and the development of a plan by a working group of resident volunteers and city staff members. Throughout the traffic calming device selection process, a series of public meetings were held to communicate with residents in general regarding the goals and objectives of the neighborhood traffic-calming plan. The final step in the process was to poll the affected residents for their acceptance of the plan. Of 108 ballots mailed, 39.8% were returned on Northpark Avenue, with 79% in favor of the project. 152 ballots were mailed and 45.4% were returned on 99<sup>th</sup> Avenue, with 84% in favor of the project. Based on these results, the traffic calming devices are proposed to be constructed.

The construction package for the Northpark Traffic Calming Project was advertised in the Daily Journal and on the City's web site. Bids were opened on June 14<sup>th</sup>, 2000. Two contractors submitted bids with the bid results as follows:

<u>Bidder</u>	<u>Bid Amount</u>
K.E.C.I. Colorado Inc.	\$175,746
Hallmark, Inc.	\$188,961

Staff believes the low bid submitted by K.E.C.I. Colorado, Inc. is reasonable and that this company is capable of performing this type of project. Staff also recommends a construction contingency of \$26,000 to be authorized to account for any unforeseen change orders on this project.

The project is anticipated to begin by the second week of July, pending City Council approval of the project, with project completion anticipated by mid-August.

Respectfully submitted,

William M. Christopher  
City Manager  
Attachments



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

**Date:** July 10, 2000  
**Subject:** Westminster Boulevard Extension—Award Contracts for Construction  
**Prepared by:** Stephen C. Baumann

**Introduction**

City Council action is requested to award a contract for construction of the Westminster Boulevard Extension to the low bidder, SEMA Construction Inc., and a contract for construction engineering to MK Centennial Inc. Authorization of expenditures for these two contracts and other costs and contingencies totaling \$8,615,033 is necessary. Work is expected to start in July of 2000 and be complete in the fall of 2001.

**Summary**

The Westminster Boulevard Extension will connect existing Westminster Boulevard at 104<sup>th</sup> Avenue with the existing north end of Harlan Street, linking two of the City’s important activity centers, the Westminster Mall and the Westminster Promenade. Construction of the 1.3-mile project will include two bridges, one over US-36 and one over Big Dry Creek, and will complete a valuable north-south route in the City’s transportation system. The award of the contract will allow work to begin in mid-July, with an estimated completion in the fall of 2001.

Competitive proposals for the project were received from eight general contractors and ranged from \$6.5 million to \$7.9 million. The lowest bidder was SEMA Construction, Inc., an Englewood bridge/earthwork contractor with extensive experience on similar projects. SEMA is competent and qualified to perform the work and Staff is recommending the award of the contract for the Westminster Boulevard Extension be made to SEMA at their bid of \$6,523,033. The contract amount is well below the construction estimate of \$8,614,656 reviewed with Council in May and as a result the present budget will allow a number of desired improvements to be included in the project, along with adequate contingencies for both construction and right-of-way acquisition, which is still in progress.

Authorization of funds totaling \$8,615,033 is being requested (see table below). In addition to the SEMA contract, \$685,000 is requested for construction engineering and administration services from MK Centennial, the firm responsible for the design of Westminster Boulevard. A contingency of \$1,080,000 is recommended for these two contracts. Council is also being asked to authorize \$150,000 for street lighting, and approve planning and installation of replacement fencing along Harlan Street, north of 92<sup>nd</sup> Avenue at an estimated cost of \$177,000.

Construction contract	\$6,523,033
Construction management	685,000
Construction contingency	1,080,000
Street lighting	150,000
Fencing	<u>177,000</u>
<b>TOTAL</b>	<b>\$8,615,033</b>

## **Policy Issues**

Council has some discretion to award the contract for Westminster Boulevard to other than the lowest bidder. Normally, this option is exercised when there is doubt that the low bidder is qualified or does not have the resources to accomplish the contract requirements. That circumstance is not present here. In Staff's opinion, SEMA Construction, Inc. has appropriate experience and resources to complete the project.

Staff is recommending approval of the installation of upgraded privacy fencing along the Trendwood Subdivision and Franklin Square Subdivision, residential properties that abut Harlan Street between 92<sup>nd</sup> Avenue and 95<sup>th</sup> Avenue. A few of the residents have requested fencing and/or noise barriers. Noise barriers might cost four to five times as much as privacy fencing with brick pillars, which would be similar to the style installed abutting the Trendwood Subdivision along 92<sup>nd</sup> Avenue.

## **Staff Recommendation**

Authorize the City Manager to sign contracts with SEMA Construction Inc. for the construction of the Westminster Boulevard Extension in the amount of \$6,523,033, and with MK Centennial for construction engineering in an amount not to exceed \$685,000; authorize the expenditure of \$8,288,033 for these contracts and a contingency, along with \$150,000 for street lighting, \$177,000 for upgraded privacy fencing along Harlan Street, between 92<sup>nd</sup> and 95<sup>th</sup> Avenues, and charge these expenses to the appropriate capital project account.

## **Background**

The Westminster Boulevard Extension will connect existing Westminster Boulevard at 104<sup>th</sup> Avenue with Harlan Street, which now ends several blocks north of West 92<sup>nd</sup> Avenue, linking two of the City's important activity centers (see attached map). The alignment crosses Big Dry Creek south of the Butterfly Pavilion and parallels US-36 until curving southwest, crossing over the Turnpike north of the Farmers' High Line Canal and tying into existing Harlan Street. In all, nearly 7000 linear feet of new two-lane street (one-half of the ultimate arterial street width) and two significant bridges will be built. The bridge over US-36 will include architectural upgrades similar to those on the 92<sup>nd</sup> Avenue and Federal Boulevard bridges, both now under construction. The Big Dry Creek Bridge will also include architectural enhancements.

Over 350,000 cubic yards of fill will be moved in the project, most of it to create the embankment for the crossing of US-36. Because of the magnitude of the earthwork, City Council previously approved the construction of a stockpile on the east side of US-36, which will provide about a third of the dirt needed. A sixty-acre site north of the Westcliff Subdivision was also acquired in the Open Space Program. It will provide a nearby source of dirt for the project in addition to preservation and improvement of scenic view corridors, and providing open space, trail and other municipal benefits. Only the southern portion of that site will be re-graded and then re-vegetated.

The project is a culmination of effort begun in 1994, when the Comprehensive Roadway Plan identified this street as an important north-south link in Westminster's transportation grid. Some relief from the congestion on Sheridan Boulevard can be expected, as traffic uses this as an alternative route to the Westminster Mall and the Westminster Promenade. City Council approved acquisition of the right-of-way for Westminster Boulevard in the fall of 1999. All but one of the right of way parcels is in possession of the City at this time and the immediate possession hearing for the last acquisition is scheduled for July 7<sup>th</sup> in Jefferson County District Court. Work can proceed once legal possession is granted, probably in mid-July. The schedule for construction allows approximately fifteen months, so a completion date in the fall of 2001 is anticipated.

Eight bidders responded to the invitation to bid the project and the lowest of those was SEMA Construction Inc. of Englewood, Colorado. As the table below shows, the bids have a significant spread, from \$6.5 million to \$7.9 million. The reasons for the range lie in variations in several of the bid items, including earthwork, structural concrete and paving costs, all large quantity items where the unit cost differences are amplified. However, the four lowest bidders (half of the group) are within approximately \$400,000 of each other. Staff has evaluated the bids with the help of the design consultant, MK Centennial, and concluded that the project probably fit well into the schedules of the three lowest bidders, but not the others. These are competitive prices and may reflect that this is a relatively simple project for bridge contractors who also do earthwork that can be accomplished without too many unknowns. SEMA Construction Company's experience seems to reinforce that reasoning. SEMA has significant experience with projects very much like Westminster Boulevard Extension, including the reconstruction of the Founders Parkway/I-25 interchange for the Colorado Department of Transportation and construction of the urban interchange at Belleview Avenue and South Santa Fe Drive in Englewood. They are fully qualified and capable of performing this contract.

<u>Bidder</u>	<u>Bids</u>
SEMA Construction, Inc.	\$6,523,033
PCL Civil Constructors, Inc.	6,883,233
Edward Kraemer & Sons, Inc.	6,903,500
Lawrence Construction Company	6,937,001
Asphalt Specialties Company, Inc.	7,062,372
TARCO, Inc.	7,157,828
Ames Construction, Inc.	7,705,963
New Design Construction	7,943,971
Engineer's Estimate	8,614,656

Staff recommends that the contract for construction of Westminster Boulevard Extension be awarded to SEMA Construction Inc at the low-bid amount of \$6,523,033 so that work can begin immediately. A proposal for construction engineering and contract administration has been prepared by MK Centennial (MKC), the engineering firm that prepared the design plans. MKC priced its services and those of a geotechnical consultant for the fifteen-month project at no more than \$685,000. This is approximately 10% of the construction cost, and reasonable for a project of this size and scope. MK Centennial's construction management group is highly regarded and experienced, including work on several City projects in the past five years. The firm's familiarity with the design concept is quite valuable in carrying out the construction, particularly on a phased project such as Westminster Boulevard. What gets built now must fit with what has been planned for the future. A contingency of \$1,080,000 (15%) for the two contracts is also recommended.

On May 1<sup>st</sup>, Staff reviewed the budget for the Westminster Boulevard Extension with City Council based on the costs of construction estimated at that time. The overall project contingency using that estimate was approximately 9%, including contingency for right-of-way acquisition. The engineer's estimate turned out to be conservative, and as a result, the backup plans and ideas discussed at that time for funding the project should not be necessary. No funds will need to be requested in the 2001 budget and no additional use of Enhancement funds will be needed. The full-width bridge over Big Dry Creek can also be afforded and will include the architectural enhancements reviewed with Council. Using the bid results, both the construction contract and the right-of-way acquisition are expected to have adequate contingencies to see the project through to completion. It is recommended that Council authorize \$150,000 within the project appropriation for street lighting along one side of the project, an option on the project if bids were favorable. This measure would provide adequate lighting for the two-lane project and can be augmented in the future when the roadway is widened to its arterial street standard.

In addition, the budget will allow the installation of replacement privacy fencing along residential areas that abut Harlan Street between 92<sup>nd</sup> Avenue and 95<sup>th</sup> Avenue. This accommodation has been discussed with the residents of Franklin Square and Trendwood subdivisions since the first open house meetings for the project in 1997. The fence, similar to the wood fence that was installed along the 92<sup>nd</sup> Avenue frontage at Trendwood and along 104<sup>th</sup> Avenue at the Meadowlark Subdivision is a response to the concerns of those neighbors, who will experience a significant increase in traffic. While not a noise barrier, per se, the new fence would be a marked improvement over what exists there now. The existing fences are in average to poor condition and not very uniform in appearance. The new fencing recommended here will be 9 to 10 feet in height, incorporate brick pillars at regular spacing and give a much-improved appearance from Harlan Street as drivers commute between the activity centers. The estimated cost is \$177,000, and Council's approval of the fence will allow Staff to proceed with the design and planning such that the fence can be completed prior to the opening of Westminster Boulevard to traffic in 2001.

Respectfully submitted,

William M. Christopher  
City Manager



**WESTMINSTER**  
**COLORADO**

### Agenda Memorandum

**Date:** July 10, 2000

**Subject:** Semper Water Treatment Facility Rehabilitation Final Contract Payment

**Prepared by:** Frank Watt, Acting Water Plant Superintendent

### Introduction

City Council action is requested to authorize the expenditure of funds for construction expenses related to the Rehabilitation of the High Service Pump Station at the Semper Water Treatment Facility. Funds are available in the Semper Rehabilitation Capital Improvement Fund Account for this expense.

### Summary

City Council action is requested to authorize the expenditure of funds for construction expenses related to the Rehabilitation of the High Service Pump Station at the Semper Water Treatment Facility in an amount not to exceed \$70,000 for work completed on a time and materials basis with Restruction Corporation for the rehabilitation of the High Service Pump Station. This is a final billing which includes, grouting of support beam pockets, an additional floor drain and plumbing vent required by City building inspectors. Punch list items include replacement of an overhead utility door, electrical service to the overhead door, vent fans in the electrical room and restroom, and the addition of windows to the south side of the building due to reclassification of the existing space. The total cost for rehabilitation of the High Service Pump Station, including the final payment, will be \$826,602.81. Due to the unique circumstances of this time and materials contract, the authorization of funds has been conducted on an ongoing basis. No change orders have been issued to date, nor is one required at this time. Approval of this final payment will satisfy the conditions of the contract in full.

### Policy Issues

Should City Council approved a time and materials expense under the existing April 1998 contract with Restruction Corporation. This authorization closes out the contract and provides for final payment.

### Alternatives

Alternatives to authorization of payment to Restruction Corporation are:

1. Conduct a second re-examination of documentation and attempt to negotiate an even lower price. This process has been undertaken and did result in further concessions from Restruction Corporation. It is unlikely that Restruction will concede any additional costs.
2. Refuse payment. Due to urgency of the original negotiations, a figure not to exceed was not included in the original contract. Some of the original scope of work was reduced to contain costs. However, Restruction was obligated to complete the work to the extent required by engineering inspection.

### Staff Recommendation

Authorize the City Manager to approve final payment in an amount not to exceed \$70,000 to Restruction Corporation that concludes all work to the rehabilitation of the High Service Pump Station and charge the expense to the Semper Rehabilitation Capital Improvement Account.

**Background Information**

The High Service Pump Station is a critical facility used for pumping water from the Semper Water Treatment Facility to the distribution system. In late 1997, structural problems with the High Service Pump Station walls were discovered and the Utilities Manager authorized emergency corrective actions. In February of 1998, Restruction Corporation was retained to install temporary shoring to the walls of the High Service Pump Station. Preliminary engineering evaluations provided a starting point for permanent corrective actions. In April of 1998, City Council authorized the Department of Public Works and Utilities to enter into a time and materials contract with Restruction Corporation. Substantial completion of the project occurred in June of 1999 and the High Service Pump Station was on-line in time to meet the high summer demands. Due to the complexity of the work involved and the degree of unknown and unanticipated levels of distress in the original construction, the cost of the project expanded beyond the original engineering estimates.

Respectfully submitted,

William M. Christopher  
City Manager





**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

**Date:** July 10, 2000  
**Subject:** Westminster Promenade West – Developer Reimbursement  
**Prepared by:** David W. Loseman, Senior Projects Engineer

**Introduction**

City Council action is requested to authorize the payment of \$101,245.54 to WestCol Center LLC and \$25,373.00 to Dave and Buster’s, Inc. for the construction of the City-owned Promenade Arcades adjacent to the Johnny Carinos’s Restaurant and the Dave and Buster’s building at the Westminster Promenade. Funds for these expenses were budgeted and are available in the appropriate project account in the General Capital Improvement Fund.

**Summary**

In early 1997, the City entered into a cost-sharing agreement with 104<sup>th</sup> and Pierce Development Company, the original developer of the Promenade West project. Later that year, the City hired Roche Constructors, Inc. to construct the City-owned Promenade as part of the agreement with 104<sup>th</sup> and Pierce Development Company. As part of the Promenade design, two “arcades” were planned at the secondary north and south entrances to the Promenade (see attached map). The construction of the City-owned arcades was postponed until the adjacent buildings were constructed. In 1999 and 2000, the Dave and Buster’s and Johnny Carino’s buildings were built along with the City-owned arcades.

The new developers, WestCol Center LLC and Dave and Buster’s, acquired the property from 104<sup>th</sup> and Pierce Development Company in 1998. The City’s obligation to pay for the construction of the City-owned arcades is now to WestCol Center, LLC and Dave and Buster’s rather than 104<sup>th</sup> and Pierce Development Company.

The construction of these arcades is complete. Staff has reviewed all invoices for the construction of the City-owned arcades and believe that the payments of \$101,245.54 to WestCol Center, LLC and \$25,373.00 to Dave and Buster’s meet the terms of the agreement.

**Policy Issues**

Since a previous agreement identified the City’s responsibilities to pay for the construction of the City-owned Promenade and arcades, there are no policy issues. This Agenda Memorandum is for the authorization to pay actual construction costs to the developer.

**Staff Recommendation**

Authorize the payment of \$101,245.54 to WestCol Center, LLC and \$25,373.00 to Dave and Buster’s, Inc. for the construction of the City-owned arcades in the Westminster Promenade West project and charge the expense to the appropriate project account in the General Capital Improvement Fund.

**Background**

In 1996, the City began working with the developer of the Westminster Promenade West property to design and construct a unified development plan for the area north of 104<sup>th</sup> Avenue between US 36 and Westminster Boulevard.

The project includes high-quality architectural guidelines and unique design features such as a water fountain, gazebo, special landscaping, planter boxes and uniquely designed interlocking concrete pavers.

The City, the developer and AMC Theatres share responsibility for the improvements to the Promenade West. The City's responsibilities included the construction of the main Promenade and the arcades or pedestrian passageways between the buildings.

In 1997, the main Promenade was constructed by Roche Constructors, Inc. At that time, the arcades were not constructed since no buildings were under construction. Since then, the Dave and Buster's building and the Johnny Carino's building were constructed and were completed in May. As part of the construction of these buildings, the City-owned arcades were completed.

The payment of \$101,245.54 to WestCol Center, LLC and \$25,373.00 to Dave and Buster's, Inc. is for the cost to construct the arcades. Once these payments are made, the City's contractual obligation regarding the Promenade West construction are completely fulfilled. Staff has reviewed all invoices regarding the construction of the arcades and agree that these payments are fair and just.

Respectfully submitted,

William M. Christopher  
City Manager

Attachment



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

**Date:** July 10, 2000  
**Subject:** Shaw Heights Water Rehabilitation Project  
**Prepared by:** Andy Mead, Utilities Operations Coordinator

**Introduction**

City Council action is requested to authorize the City Manager to execute a contract with Levi Construction in the amount of \$544,099.85 plus a contingency amount of \$54,410 for the Shaw Heights Water Rehabilitation Project. These funds are available through Capital Improvement Project Fund.

**Summary**

In June 1998, Westminster assumed maintenance responsibility for the water line infrastructure within the Shaw Heights Water District, adjacent to the City of Westminster’s corporate boundaries. The Shaw Heights Water District transferred the District’s \$1,225,000 capital reserve to the City of Westminster for future capital improvements within the District. Shaw Heights consists of several subdivisions located in unincorporated Adams County with an existing water distribution system that is supplied with water from the City of Westminster. The water system in this area was installed in the late 1950s and early 1960s and, in some areas, has deteriorated significantly causing water breaks and water pressure problems. Fire protection in the area suffers because of poor functioning fire hydrants.

After evaluating the overall water system in the Shaw Heights Area over the past year, Staff has determined that a comprehensive rehabilitation project would significantly improve the delivery of water and fire protection for residents in the area. Specific water lines, water valves, and fire hydrants were identified and prioritized during this evaluation to ensure that the most critical portions of the water system were being considered for upgrading or replacement.

The Shaw Heights Water Rehabilitation Project was advertised in the *Daily Journal* and a mandatory pre-bid meeting was held on June 14, 2000. The bid proposals were read and reviewed on June 20, 2000. The results of the bids were as follows:

<u>Bidder</u>	<u>Bid Amount</u>
Levi Construction	\$544,099.85
Grimm Construction	\$563,883.00
BT Construction	\$644,377.00
New Design Construction	\$932,361.00
Engineer’s Cost Estimate	\$524,018.20

Staff and consultants have reviewed Levi Construction’s proposal and has determined them to be the successful contractor on the basis of their bid as the lowest responsible bid within the established funds available for the contract. Funds for this project are available in the Capital Improvements Budget.

## **Policy Issues**

Should the City of Westminster utilize funds at this time in the Shaw Heights Capital Improvement Project account to complete the Shaw Heights Water Rehabilitation Project to address needed water infrastructure improvements.

## **Staff Recommendation**

Award a contract to the low bidder, Levi Construction, in the amount of \$544,100 for the Shaw Heights Water Rehabilitation Project; authorize the City Manager to execute a contract between the City and Levi Construction to complete the specified work as described in the project documentation; authorize a construction budget of \$544,100 with a 10% contingency budget of \$54,410 and charge the appropriate project account in the Capital Improvement Project budget

## **Background**

The City of Westminster signed an agreement with the Shaw Heights Water District in 1998 to assume responsibility for all water service facilities within the Shaw Heights Area. Shaw Heights consists of several subdivisions located in Adams County, adjacent to the City of Westminster. Since assuming responsibility for the Shaw Heights water system, City Staff has evaluated the entire infrastructure and facilities of the system to determine immediate maintenance, repair, and replacement needs. This includes existing water lines, water valves, water line tie-ins, and fire hydrants within the water system.

JR Engineering completed an evaluation of the Shaw Heights water system earlier this year. JR Engineering and City Staff recommends a comprehensive water system rehabilitation project to include removal and replacement of approximately 51 fire hydrants, installing 48 isolation gate valves, and installing 10 tie-in connections to provide a looped water system. This work will also provide for removal and replacement of concrete curb, gutter, sidewalk, handicap ramps, and concrete crosspans, removal of asbestos cement water pipe and street patching. All of this work will be completed over the next few months.

Once the Shaw Heights Water Rehabilitation Project is completed, residents and businesses in the area will have increased efficiency and fire protection safety to their homes and facilities through an upgraded water supply system. This project should also reduce the scope of disruptions during emergency calls that Utilities Staff must respond to in this area.

## **Alternatives**

The alternative to completing the Shaw Heights Water Rehabilitation Project would be to not do this much-needed work to the water system at this time, and only respond to emergency calls for water service breaks and for non-functioning fire hydrants in this area. However, this will result in increased customer service requests, disruption of water service, and fire safety issues because of the poor conditions of fire hydrants in this area. The funds would remain in the Shaw Heights Capital reserve account.

Respectfully submitted,

William M. Christopher  
City Manager

Attachments - Map



**WESTMINSTER**  
**COLORADO**

### Agenda Memorandum

**Date:** July 10, 2000

**Subject:** Standley Lake Phase I Change Order / Construction Services

**Prepared by:** Richard Dahl, Park Services Manager

### Introduction

City Council action is requested to authorize the City Manager to sign a change order with DHM Design Corporation in the amount of \$45,000 for construction services for the Standley Lake Phase I development. The change order is for recreation improvements completed for Standley Lake Regional Park Phase I including the boat ramp, utilities, restroom, roadways and water quality management. Funds for this expense are available from the 2000 General Capital Improvement Fund, Standley Lake Regional Park.

### Summary

On November 8, 1999, Council authorized the City Manager to sign a contract with DHM Design Corporation in the amount of \$60,000 plus a 10% contingency for construction documentation, inspections, submittal review, RFI and project close out services for the Standley Lake Phase I Improvement construction.

Engineering issues with the construction of the boat ramp and the coffer dam requiring de-watering of the area to a depth of 24 feet proved to be more complicated than proposed by the contractor which required additional design and analysis work by the engineering consultants, Wright Water Engineers, Inc. Of special concern was insuring the solution being proposed to build the coffer dam did nothing to jeopardize the water quality and safety of the City's water supply. During the bid process for this project, and using conventional construction methods, Wright Water Engineers Inc. had estimated the boat ramp/coffer dam construction to cost \$916,665. However, RBI Companies, the general contractor for the Phase I improvements, was able to use alternative construction techniques and completed the boat ramp for \$181,000. To insure the safety and water quality, Staff authorized Wright Water to spend additional inspection and redesign time on this portion of the project.

Installation of the water and sewer lines along 100<sup>th</sup> Avenue required modification of the original design due to the restricted space available due to existing utility lines and the need to retain the trees and plant material located along the right-of-way as requested by the residents of Countryside Homeowners Association.

### Alternatives

City Council could decide not to authorize the additional funds for the change order to DHM Design Corporation however, this work has been completed under the direction of Staff to insure the safety and water quality of the City's water supply and complete the project on schedule for public use. Overall, the alternative construction approaches and design work on this project saved the City over \$690,000 over the engineer's estimate for the project.

### Policy Issue

Should Council ratify change orders for work that has already been completed?

**Staff Recommendation**

Authorize the City Manager to sign a change order with DHM Design Corporation in the amount of \$45,000 for construction services required to complete Standley Lake Phase I design improvements and charge this expense to the appropriate account in the 2000 General Capital Improvement Project Fund.

**Background Information**

When Staff recommended the original construction services contract fees of \$60,000 it was anticipated the meeting times would be on a bi-weekly basis and the majority of the questions could be fielded by the project supervisor under contract with Jefferson County Construction Services. However, it became apparent that coordination of the project would require more consultant and staff time than originally anticipated. The boat ramp construction was predicated on several factors working in favor of the contractor including reduced water levels at the lake and using a simple but untried method of building a stone (rip rap) coffer dam lined with plastic to allow de-watering. The lake levels remained consistently high throughout the construction schedule and the plastic lined coffer dam leaked and had to be lined using clay material located on site.

The Mandalay Irrigation Company, which has an irrigation ditch on the property, required additional coordination, design and inspection time that impacted the construction schedule and required engineering review and submittal information. Although a minor part of the project, the Mandalay Ditch required considerable consultant time due to the companies' concern about the impact the access road, utilities and trail construction was having on their facilities.

Additional fees for DHM Design (\$7,380) were required to attend/coordinate meetings and process the request for information and submittals on all aspects of construction that were not anticipated at the beginning of the project. Oz Architecture (\$3,150) and ABS, Monroe and Newell (\$1,570) costs were for redesign of the restroom and fish cleaning station that Staff requested to make these facilities more vandal resistant and efficient for public use and maintenance.

Wright Water Engineers (\$32,900) additional fees were for boat ramp construction, utility lines installations and the Mandalay Irrigation Canal inspection and design.

Breakdown of additional fees requested through project closeout:

DHM Design	\$ 7,380
Wright Water Engineers	\$32,900
Oz Architecture	\$ 3,150
ABS, Monroe and Newell	<u>\$ 1,570</u>
	\$45,000

Respectfully submitted,

William M. Christopher  
City Manager



### WESTMINSTER COLORADO

#### Agenda Memorandum

**Date:** July 10, 2000

**Subject:** IGA for Professional Consulting Services for the Interstate-25 Corridor Area

**Prepared by:** John Carpenter, Director of Community Development

#### Introduction

City Council action is requested on an Intergovernmental Agreement between the City of Thornton and the City of Westminster for professional services for the North I-25 corridor.

#### Summary

This Intergovernmental Agreement establishes the cost sharing arrangements and management of the various professional consulting contract(s) related to the development of a land use plan, architectural guidelines, financial feasibility study and land absorption analysis for the I-25 corridor area. The City of Thornton will administer the contract for the land use plan and architectural design guidelines. Funds for these studies have been previously authorized by City Council.

#### Policy Issues

Should the City pursue joint planning of the I-25 corridor with the City of Thornton?

#### Staff Recommendation

Authorize the City Manager to execute the Intergovernmental Agreement between the City of Thornton and City of Westminster for Professional Consulting Services for the Interstate-25 Corridor Area.

#### Alternatives

- Do not approve the IGA. This would not be in keeping with the desire to develop the north I-25 corridor into a premier, high quality development opportunity for both cities.
- Approve the IGA subject to modifications by City Council. Any changes will warrant the Thornton City Council's approval.

#### Background

In 1997, the Cities of Thornton and Westminster entered into an Intergovernmental Agreement (IGA) to fund the North I-25 Corridor Study, Phase I ("the Study"). The purpose of the Study was to evaluate each of the cities' needs, evaluate the locations for future I-25 interchanges (128<sup>th</sup> Avenue, 136<sup>th</sup> Avenue, 144<sup>th</sup> Avenue), and recommend the phasing of the interchanges. The Study concluded that three interchanges between 120<sup>th</sup> Avenue and 168<sup>th</sup> Avenue were needed to address transportation concerns and identified 136<sup>th</sup> Avenue as the preferred location for the first interchange. In 1999, the Cities of Thornton and Westminster entered into another IGA related to the cost sharing for the environmental assessment, preliminary design and final design for the 136<sup>th</sup> Avenue and I-25 interchange.

The plans and studies that are covered by the proposed IGA are necessary to develop a viable financing plan to pay for the construction of the interchange and to establish a development plan for the corridor area. City Council previously approved hiring the firm of Downing, Thorpe and James to prepare this development plan.

Respectfully submitted,

William M. Christopher  
City Manager

Attachment



## **AGREEMENT**

THIS AGREEMENT ("Agreement") is made and entered into this \_\_\_ day of \_\_\_\_\_, 2000, by and between the City of Thornton, a home rule municipal corporation ("Thornton") and the City of Westminster a home rule municipal corporation ("Westminster"), or collectively referred as the "Cities".

### **WITNESSETH**

WHEREAS, the Cities both require professional consulting services to conduct Conceptual Design, Financial Feasibility, and Absorption Analysis for the 136<sup>th</sup> Avenue interchange (the "Project") and desire to jointly fund the Project.

NOW THEREFORE in consideration of the promises and conditions contained herein the Cities hereto agree as follows:

#### **1. ADMINISTRATION**

- A. The Cities shall jointly prepare and approve a scope of work and the request for proposal for the Land Use Plans, Architectural Design Guidelines, Financial Feasibility Study, and the Land Absorption Analysis.
- B. The City Manager of each City or his or her designee shall jointly select the professional consultants for each contract.
- C. Thornton shall award and administer the Financial Feasibility Study and the Land Absorption Analysis contracts. Westminster shall award and administer the Land Use Plans and Architectural Design Guidelines contract.
- D. Thornton and Westminster shall each designate a Project Manager who shall coordinate the Project on behalf of each City. Each Project Manager shall have the authority to make decisions with respect to the Project on behalf of their respective City ("Project Managers").

#### **2. PROJECT FUNDING.**

- A. The Cities equally share all of the Project costs.
- B. The Cities acknowledge that each City is authorized to award a contract only upon full appropriation of contract funds. Therefore, upon selection of a mutually approved professional consultant, the non-administrating City shall deposit with the administrating City one-half of its share of the total contract costs.

- C. In the event that the deposited funds are insufficient to cover the anticipated financial obligation for the contract, the non-administrating City shall pay to the administrating City additional and sufficient funds in an equal amount to that allocated by the administrating City within thirty (30) days of notification. Upon termination of this Agreement, any unexpended funds shall be returned to the Cities in equal amounts according to their required contribution.
- D. The administrating City shall provide to each Project Manager a monthly accounting of all Project monies deposited and expended by the Cities.

### **3. TERM**

This Agreement shall terminate the earlier of December 31, 2002 or completion of the Project unless otherwise agreed upon by the Cities.

### **4. NOTICE**

Any notice required by this Agreement shall be in writing and shall be deemed to have been sufficiently given for all purposes if sent by certified mail or registered mail, postage and fees prepaid, addressed to the party to whom such notice is to be given at the address set forth below, or at such other address as has been previously furnished in writing, to the other party or Cities. Such notice shall be deemed to have been given when deposited in the United States Mail.

City of Thornton  
Jack Ethredge, City Manager  
9500 Civic Center Drive  
Thornton, CO 80229

City of Westminster  
Bill Christopher, City Manager  
4800 West 92nd Avenue  
Westminster, CO 80030-6399

### **5. LITIGATION**

Each Party hereto shall be responsible for any suits, demands, costs or actions at law resulting from its own acts or omissions.

### **6. INTEGRATION AND AMENDMENT**

This Agreement represents the entire Agreement between the Cities and there are no oral or collateral agreements or understandings. This Agreement may be amended only by an instrument in writing signed by the Cities.

### **7. TERMINATION OF AGREEMENT**

This Agreement may be terminated in writing by either of the Cities, but only if there are no contingent, outstanding contracts. If there are contingent, outstanding contracts, this Agreement may only be terminated upon mutual agreement of all Cities and only upon the cancellation of all contingent, outstanding contracts, or portion thereof. All costs associated with the

cancellation, of the contingent contracts, e.g. the Consultant's contract or portion thereof, shall be paid equally by the Cities.

**8. VENUE**

This Agreement shall be governed by the laws of the State of Colorado, and any legal action concerning the provisions hereof shall be brought in the County of Adams, State of Colorado.

**9. SEVERABILITY**

If any article, section, paragraph, sentence, clause or phrase of this Agreement is held to be unconstitutional or invalid for any reason, such holding shall not affect the validity, enforceability or constitutionality of the remaining provisions of this Agreement.

**10. WAIVER OF BREACH**

A waiver by any party of a breach of any term or provision of this Agreement shall not operate or be construed as a waiver of any subsequent breach by either party.

**11. PARAGRAPH CAPTIONS**

The captions of the paragraphs are set forth only for the convenience and reference of the Cities and are not intended in any way to define, limit or describe the scope or intent of this Agreement.

**12. GOVERNMENTAL IMMUNITY**

The Cities acknowledge that each Party, their officers, and employees, are relying on, and do not waive or intend to waive, by any provision of this Agreement, the monetary limitations or any other rights, immunities, and protections provided by the Colorado Governmental Immunity Act, C.R.S. 24-10-101 et seq., as it is from time to time amended, or otherwise available to the Cities, their officers, or employees.

IN WITNESS WHEREOF, the Cities here have executed this Agreement to be effective as of the date first above written.

CITY OF THORNTON, COLORADO

\_\_\_\_\_  
Jack Ethredge, City Manager

ATTEST:

\_\_\_\_\_  
Nancy A. Vincent, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Margaret Emerich, City Attorney

CITY OF WESTMINSTER,  
COLORADO

\_\_\_\_\_  
Sam Dixon, Mayor Pro-Tem

ATTEST:

\_\_\_\_\_  
Michele Kelley, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Martin McCullough, City Attorney



**WESTMINSTER**  
**COLORADO**

### Agenda Memorandum

**Date:** July 10, 2000

**Subject:** Computer Aided Dispatch and Records Management System

**Prepared by:** Carol Workman, Communications Supervisor  
Janice Kraft, Technical Services Administrator

### Introduction

City Council action is requested to: authorize the City Manager to sign a contract with Intergraph Public Safety in the amount of \$1,473,475 for software and services for a new integrated Computer Aided Dispatch, Police Records Management Information System, Fire Records Management Information System, Mobile Computer System for Police and Fire, and interface to an Automatic Vehicle Locator system. The Automatic Vehicle Locator software module and system hardware will be procured through vendors other than Intergraph Public Safety. These contracts will be brought to Council for approval at a later date.

Intergraph Public Safety (IPS) was selected through a competitive process that included Request For Information responses from twelve companies. Staff shortlisted from this response to five vendors based on identified system requirements. These five vendors demonstrated their product and Staff selected two vendors for further evaluation. Another set of demonstrations were scheduled with those two companies and early preliminary project costs were negotiated. Subsequent to this process, IPS was selected as the vendor of choice and Staff negotiated the final cost and contract terms, which was \$200,000 less than the other vendor finalist's proposal.

The total system cost will be \$2,547,885, which includes:

- The IPS contract for \$1,473,475 for software, training and project management.
- Existing City network hardware, upgrades, software and training in the amount of \$66,524.
- Hardware costs (servers, laptop computers, desktop computers, and printers) at approximately \$832,598. Estimated interest for the lease purchase in the amount of \$35,000.
- The Automatic Vehicle Locator component at \$140,288 which includes hardware and software.

\$201,697 (approximately seven percent of the project cost) will be set aside for a project contingency.

Funding for the total system implementation will come from the following sources:

- The 2000 General Fund Capital Improvement Project currently has \$1,149,582 set aside for this project.
- Staff will recommend to Council a budget for two subsequent Capital Improvement Project payments in 2001 and 2002 in the amount of \$485,000 each year for the remaining system software cost.
- Staff will recommend hardware and network costs in the amount of \$315,000 a year to be carried in the Police and Fire Department's annual operating budgets as lease purchase payments in both 2001 and 2002.

Intergraph Public Safety has agreed to the contract stipulation that subsequent years funding for this project are subject to City Council authorization. Intergraph further agrees to carry the project costs over a three year period with no interest expense.

## **Summary**

The Police and Fire Departments Computer Aided Dispatch (CAD), Police Department's Records Management Information System (RMIS) and Fire Department's Records Management System needs replacement. CAD is a computer system used by staff in the Emergency Communications Center to process calls from the public requesting Police, Fire and Emergency Medical Services (EMS). Additionally, this computer system is used to keep track of the status of police and fire personnel and is interfaced with the E911 System, and the State and National Computer Data Bases for warrant, runaway and stolen vehicle files.

Currently the police and fire components of this computerized system contain record keeping modules. The Police Department uses the RMIS as a repository for police crime reports, arrest data, warrants, impounded evidence, stolen property, impounded vehicles and it generates monthly and annual crime statistics that are required to be reported to the Federal Bureau of Investigation and Colorado Bureau of Investigation. The Fire records component was to be used for tracking building inspections, EMS reporting, and the nationally mandated National Fire Incident Reporting (NFIRS). It also contains software modules for tracking the status of hydrants, keeping inventory and maintenance records of equipment and medical supplies, personnel scheduling, tracking of certifications and ambulance billing. The police and fire records systems are interfaced with the CAD system allowing for common information to be shared and information from dispatched calls for service to automatically be fed to the records components.

The Police Department currently is using Mobile Data Computers (MDC) in the field in about half of the police vehicles which allow officers to write offense reports, DUI arrest reports, tow slips and impound reports. Police officers are currently taking their reports in the field or at the Police Department on an interim field reporting software developed in house by Information Technology Staff. The patrol officers then print the reports and forward them for approval to supervisory staff. Once approved, the reports are turned in to the records section where they are manually re-entered into the current RMIS.

The Fire Department currently does not have MDC's, therefore all fire investigations and EMS reports are hand written and then typed into the Fire Departments Records Management System by firefighters or EMS personnel at the various fire stations.

Currently, neither the Police nor Fire Departments has Automated Vehicle Locating (AVL) in their units. AVL is a tool that uses a Global Positioning System (GPS) via satellite to track and update the location of a police patrol car, piece of fire apparatus, or ambulance. AVL updates a dispatch CAD screen and visually indicates on a map the location of a police or fire unit at any given time. These locations are updated every 15 seconds. AVL is interfaced into the CAD system software which allows a dispatcher to send the closest police or fire unit to a call based on the unit's current location. The benefits of AVL are shorter response times for police and fire units to service calls and an increased situational awareness in the dispatch center. Another benefit is the ability for the dispatcher to see where an officer or fire unit is in the case of a hostage situation or a missing unit.

The Police and Fire Departments contracted with EAI Systems in 1992 for a Computer Aided Dispatch system and Police, Court, and Fire Records. Prior to completion of system implementation, EAI Systems was sold to Bell Atlantic Public Safety who sold to OCS Technologies. OCS Technologies filed for bankruptcy and ultimately was sold in a foreclosure sale to Geac Public Safety Inc., (Geac). During this period of transition between companies the original contract for the system was never completed. The Police CAD and RMIS are functional, but the Fire Department has never had a fully functioning interfaced system and the Court module was never implemented.

On March 15, 1999, Staff brought to City Council a request to authorize the City Manager to sign a contract with Geac to upgrade the current CAD/RMIS and Fire Records System for Y2K compliance. City Council approved that recommendation and directed Staff to pursue selection of a vendor to replace the current system in its entirety.

Staff selected IPS based on various evaluation criteria, which will be discussed in greater detail in the background information in this report. Highlights are as follows:

- IPS has a complete, tested and working package, integrating all components of the system. Their cost is \$200,000 less than the comparable Tiburon solution.
- IPS has a dynamic interactive map for dispatching which offers more capabilities than Tiburon. Tiburon's map did not have the same functionality.
- IPS provides the ability for City Staff to build the State of Colorado determined protocol for Emergency Medical Dispatching (EMD). The Fire Department's Physician Medical Advisor would not have approved Tiburon's EMD package. An EMD program can only operate under the umbrella of a Physician Medical Advisors license to practice.
- IPS has the capability of bar coding inventory for Property Evidence and interfaces to the state and nationally mandated National Incident Based Reporting System (NIBRS). Tiburon's system did provide bar coding but its integration into the RMIS did not provide the same level of flexibility and functionality needed for mandated reporting.

The city is currently paying the following for on-going maintenance and costs for the current CAD/RMS and mobile application. New costs are also documented below.

The following is a comparison of existing system annual costs to proposed new system annual costs.

	<b>Existing CAD/RMS</b>	<b>New CAD/RMS</b>
Software Maintenance	\$47,232	\$121,320
Circuit/Network charges	\$6,000	\$23,280
Cellular connection charges	\$15,584	\$22,177
Hardware maintenance	\$5,688	\$22,612
Total	<b><u>\$74,504</u></b>	<b><u>\$189,389</u></b>

It is readily apparent that on-going costs for the new system are significantly higher. Factors that affect this are:

- The current system does not provide software maintenance for several modules as they are not functional or interfaced with working components.
- The new system backbone hardware is made up of seven servers; the existing system works off two IBM machines.
- The system will expand to include laptops for an additional twenty-two patrol cars and adds thirteen pieces of fire apparatus that currently do not have mobile computers. This affects hardware maintenance and ongoing cellular charges.
- AVL is a new component to the system, impacting software, hardware maintenance and cellular charges.

**Alternatives:**

- 1) Do not approve the contract with Intergraph Public Safety at this time.
- 2) Approve a contract with Tiburon Inc.
- 3) Direct Staff to pursue a selection of an altogether different vendor.

Staff does not recommend any of these alternatives for the following reasons:

- 1) The current CAD/RMIS and Fire Records is not a completely functional and integrated system. It does not meet the current needs of the Fire and Police Departments.
- 2) Tiburon is higher in cost and does not meet the City's requirements.
- 3) Staff has researched many different vendors and IPS and Tiburon are two of the leaders in Public Safety Software products.

### **Policy Issue**

Should the City invest \$1,473,475 to acquire a computer aided dispatch system, and police, fire and records management system to enhance service and capability?

### **Recommendation**

Authorize the City Manager to execute a contract with Intergraph Public Safety Systems in the amount of \$1,473,475 for a new integrated Computer Aided Dispatch, Police Records Management Information System, Fire Records Management Information System, Mobile Computer System for Police and Fire, and interface to an Automatic Vehicle Locator System and charge the expense to the General Fund Capital Project budget with a portion of the City funds to be provided in 2001.

### **Background Information**

In 1992, the City contracted with EAI Systems Inc., (EAI) for the purchase and installation of a computer aided dispatch system (CAD), and a records management system (RMIS) for police, fire and the municipal court. This system was to be implemented in phases with the CAD portion completed in 1993. In 1994 when the records management components were to be implemented, EAI was sold to Bell Atlantic Public Safety. Bell Atlantic in turn sold the system to OCS Technologies (OCS). During this period of turnover, implementation of the records modules fell behind schedule and were wrought with complications. Some progress was being made on the police and fire records implementation, but the company was not able to deliver on the municipal court module. The company was found to be in breach of contract relating to the court records implementation, liquidated damages were assigned and ultimately that portion of the contract between the City and the company was terminated. OCS continued to develop some of the system but in early 1995, discontinued work on the contract entirely. This left the Police and Fire Departments with a system that was 80% complete, but only 40% functional due to incomplete interfacing of software modules.

In January 1996, OCS Technologies filed for bankruptcy and in a private foreclosure sale, Geac Public Safety Inc., (Geac) acquired the assets of OCS. Geac notified the City that it did not intend to honor the licensing regarding software and maintenance on our system unless we entered into a new software maintenance agreement with Geac. The City did not initially enter into an agreement with Geac due to the cost of the maintenance. In addition, Geac was an unknown quantity, had no prior experience with public safety software and Geac would have been the fourth company the City worked with on the implementation. At this time, the CAD system, Police Records and the small portion of Fire Records software that was usable and functional were stable. There was in-house Information Technology (IT) staff who had experience with the software and could provide the minimal amount of maintenance the system was requiring at the time.

The City filed a claim on the contract's performance bond in February 1996 and a settlement was finally reached in January 1998 after protracted negotiations between Staff and Bell Atlantic, holder of the bond. The City received the software source code for our current system as well as a cash settlement in the amount of \$298,851.



In third quarter 1998, the City contracted with the consulting firm Whittman-Hart Inc., for an assessment of the current system – hardware, software, Y2K compliance issues, functionality and suitability for the City's public safety needs and long term goals. Whittman-Hart's report indicated that the system was old technology, did not meet Year 2000 compliance, did not meet minimal needs and requirements of public safety information technology and should be replaced. Whittman-Hart researched vendors who provided CAD and RMIS products that would fall in a mid-range cost category and most importantly, vendors who would guarantee an implementation of a new CAD system by the end of 1999, followed by a Police and Fire records implementation in early 2000. Staff viewed three CAD/RMIS demonstrations to see what current systems were offering and to see if any of these systems would be an improvement over the existing system.

At the same time that Staff was exploring the option of replacing the current system, they were researching the feasibility of just upgrading the current system to address Y2K compliance. Staff recontacted Geac and received a more favorable proposal from them than had been received years earlier. Staff compared the advantages of doing a system upgrade against replacing the current system entirely. It was determined by Staff, and approved by City Council, that Geac would upgrade the system for Y2K compliance at a cost of \$164,900. Staff was also directed by City Council to pursue selection of a vendor for a full replacement of the CAD and Police and Fire Records Systems.

Staff established specific criteria that needed to be met by the new vendor's systems. Staff determined that the system needed to be an open database and that the system be fully integrated between CAD, Police RMIS, Fire Records, mobile computers and automatic vehicle location. The system needed to have an interactive map for dispatching of field units, the capability to use the state-determined protocol for Emergency Medical Dispatching (EMD) and the capability for dispatch personnel to send calls for service to the mobile computers in the field. It also needed the capability to handle bar coding for Property Evidence inventory control. Other necessary components were for the system to electronically upload data to the Colorado Bureau of Investigation and be certified in the National Incident Based Reporting System (NIBRS), a state mandated program. The system needed to provide field reporting for patrol officers and fire personnel and allow for downloading of reports over cellular collection into the two records management systems.

In March 1999, seventeen Request for Information (RFI) letters were mailed to various CAD/RMS vendors. Twelve vendors responded to the request. From those responding Staff selected five vendors who met system requirements to demonstrate their CAD and Police and Fire Records Management systems to the selection team. This team consisted of representatives from the Police and Fire Departments and the Information Technology Department. After all five vendors demonstrated their products, Staff selected two of those vendors to return and demonstrate their software packages to a larger group of employees within the three departments. The two vendors were Intergraph Public Safety Inc. (IPS) and Tiburon Inc. Staff compared both vendors based on the system requirements, their initial proposed costs for the project, and reference checks of the two companies.

After the initial selection of IPS, Staff did more in-depth reference checks and site visits to agencies that have IPS systems installed and functioning. Staff then negotiated a final price for the system with IPS.

When evaluating the option of upgrading the current system to meet Y2K compliance or replacing the system at that time, Staff estimated the project cost to be approximately \$1.6 million. This estimate was made with the input of the consultant, but prior to actually contacting vendors, seeing demonstrations or seeking cost proposals. The difference in cost between early estimates and the current IPS proposal are due to a variety of factors:

- The existing City network needs to be substantially upgraded to allow access for four fire stations and two remote police substations.
- The majority of the computers in the Police Department and several in the Fire Department need to be replaced or upgraded to accommodate the new system software.
- Seven servers need to be purchased to support the system. Staff had not anticipated that number.
- The Automatic Vehicle Locator system and an expansion of the mobile computing application to outfit the remaining half of the police patrol cars was added to the proposal. Earlier estimates did not include these components.

Staff proposes to fund the project by using a combination of Capital Improvement Project funds, carryover funds and operational budget funds. IPS will contractually agree to carry the software, training and project implementation costs for three years with no interest charges to the City. IPS also has agreed to the contract stipulation that subsequent years funding of this project are subject to City Council authorization. The breakdown of funding is as follows:

2000 CIP funds and OCS settlement funds	\$1,149,582
2001 CIP funds	\$ 485,000
2002 CIP funds	\$ 485,000
2001 Operational budget funds	\$ 315,000
2002 Operational budget funds	\$ 315,000
<b>Total</b>	<b><u>\$2,749,582</u></b>

The breakdown of costs are as follows:

Software and Services Costs(current phase of project)	\$1,473,475
Miscellaneous network hardware, software and training	\$ 66,524
Hardware costs	\$ 832,598
Interest on lease purchase of hardware	\$ 35,000
AVL	\$ 140,288
<b>Total cost of system</b>	<b><u>\$2,547,885</u></b>

The difference between the funded amount and the cost of system, \$201,697, will be set aside for a project contingency.

The vendor recommended 3.8 FTE for system implementation and on-going support. Information Technology currently has 1.3 FTE supporting the existing CAD/RMIS system and will plan to support the new system with 2.8 FTE's. Information Technology will request 1.5 FTE additional staff in 2001, a .5 FTE Software Engineer and a 1.0 FTE PC Analyst. The cost of additional staffing is estimated to be \$65,430.

Respectfully submitted,

William M. Christopher  
City Manager



**WESTMINSTER**  
**COLORADO**

### Agenda Memorandum

**Date:** July 10, 2000

**Subject:** Appointment to the Volunteer Fire Pension Board

**Prepared By:** Mary Ann Parrot, Finance Director  
Bob Eichen, Treasury Manager

### Introduction

City Council action is requested to appoint Gary Buschy to the Volunteer Fire Pension Board with his term to expire December 31, 2001.

### Summary

The Volunteer Fire Pension Board (VFPB) was created in accordance with Colorado Revised Statutes. City Council appoints two members to the seven-member Board. Mr. Gary Buschy was appointed to a one-year term for 1999 to bring the City into compliance with the board composition required by statute. Due to a Staff oversight, a recommendation was not made to Council to appoint a board representative for 2000 and 2001. It is recommended that Mr. Buschy be re-appointed to serve the two year term.

The Board is going through a great deal of change as the City winds down the volunteer force. By the end of October 2000, there will be no active volunteer firefighters to fill the three active positions required by law. The Board has obtained a legal opinion that the plan must continue to exist and be administered until the last firefighter is awarded his retirement benefits in 2004. The opinion also stated that the Board may continue with four members when the last active volunteer firefighter retires. Staff believes the following points are valid and can be addressed by re-appointing Mr. Buschy.

- There is a need for continuity on the board. The board recently lost two experienced active volunteer members and will lose the last active volunteer firefighter representative in October 2000. To lose Mr. Buschy's knowledge would further deplete the Board's experience.
- When the last active volunteer retires, there will be no representation from the active volunteers on the board. By re-appointing Mr. Buschy, there will still be two former volunteers on the board.
- Mr. Buschy's term was for one year and he is now familiar with all issues. His experience will be valuable as the Board begins to look at how retirement benefits will be administered in the future.

### Policy Issue

The issue before City Council is to re-appoint a board member to the Volunteer Firefighter Pension Board with appropriate experience.

### Staff Recommendation

Appoint Gary Buschy to a two-year term on the Volunteer Fire Pension Board that will expire on December 31, 2001.

## **Background**

The Volunteer Fire Pension Board (VFPB) was created in accordance with Colorado Revised Statutes. The controlling legislation for administration of the Plan is Section 31-30-1104. In 1995, Section 31-30-1104 of the Colorado Revised Statutes was revised, changing the number of members on the Board of Directors to seven members. Two of the members are appointed by City Council. In November of 1998, City Council appointed two members to the board. The members were given staggered terms so the two terms would not turn over at the same time. Gary Buschy was appointed to a one-year term. An oversight occurred when a member was not recommended to Council for appointment at the end of 1999 when Mr. Buschy's one-year term ended.

The member Board of Trustees consists of:

- The Mayor
- Three active firefighters elected by the volunteer firefighters
- Two retired volunteers appointed by City Council
- The Finance Director

The composition of the Westminster VFPB has undergone a radical change in the past few months. There are normally three active volunteer firefighters on the Board. Westminster has chosen to move to a paid force and the volunteer plan is winding down. Within the last few months, the active Volunteer force has declined to one member. Therefore, there is only one person eligible to fill the three active volunteer slots on the Board. The latest legal opinion is that the Board will be legally constituted with as few as four members (since there is no one to fill the active firefighters slots).

The one remaining active member will meet the twenty-year eligibility requirement in October of 2000. When he submits his retirement papers, he will no longer be eligible to be a board member. The legal opinion obtained from McNally and Bowers, P.C. is the board will need to be maintained until at least 2004. At that time, retirement benefits can be awarded to the last volunteer firefighter who chooses deferred retirement (a firefighter who has met legal service requirements but will not meet the age requirement until sometime in the future).

In the past, Council has appointed retired Firefighters to the position(s) appointed by City Council. This has occurred because there is always a great deal of interest from retired firefighters and they have excellent historical knowledge and insight into the plan. At the last board meeting, the upcoming board appointment was discussed by board members, retired firefighters in attendance, and Staff. It is the recommendation of the Board, and supported by Staff that Gary Buschy be appointed to an additional two-year term.

## **Alternatives:**

- Soliciting applications from other interested citizens
- Appointing a citizen from the existing pool or from other Westminster citizens

Because the work of the Board is quickly becoming one of minimum maintenance, Staff does not believe it is necessary to go through the work effort necessary to carry out either of these options.

Respectfully submitted,

William M. Christopher  
City Manager  
Attachment



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

**Date:** July 10, 2000  
**Subject:** Boards and Commissions Pool  
**Prepared by:** Michele Kelley, City Clerk

**Introduction**

City Council action is requested to establish a deadline to solicit applications from Westminster residents for the next cycle of the Boards and Commissions "Pool".

**Summary**

City Council annually solicits Westminster citizens who are interested in serving on the various City Boards and Commissions when vacancies would occur during the year. This "Pool" of applicants is recruited on an annual basis. After the deadline to receive applications has passed, City Council would then need to interview each individual.

City Council has asked Staff to research changes to the recruitment process to see more citizen participation. Per a Staff Report submitted to Council in June, Staff is suggesting changing the recruitment timing from a December 31<sup>st</sup> deadline to October 31<sup>st</sup> deadline. With this new deadline occurring with the start of the school year, it is anticipated that more citizens will be interested in submitting an application, rather than during the holiday season.

**Staff Recommendation**

Establish a deadline of October 31, 2000 to receive applications from citizens interested in the next cycle of the Boards and Commissions "Pool" and advertise this opportunity to become involved in the Westminster City government.

**Background Information**

Once a deadline has been established, a press release for the various newspapers will be prepared with a brief description of each of the Board's responsibilities. A copy of the press release will be sent to all the homeowner associations within the City and to Neighborhoodly News, which distributes information within over 30 subdivisions within the City. This information is also broadcast on Channel 8 and the application form is available on the Internet and will be published in an upcoming issue of "City Edition". In addition, the City will have a booth set up at the Westminster Faire with current Board and Commission members staffing the booth to try to recruit new citizen participation.

Respectfully submitted,

William M. Christopher  
City Manager



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

**Date:** July 10, 2000  
**Subject:** TABLED - Bids for the 2000 Traffic Signal Projects  
**Prepared by:** Greg Olson, Transportation Systems Coordinator

**Introduction**

City Council action is requested to award a construction contract for the 2000 Traffic Signal Projects and authorize the purchase of traffic signal poles, mast arms, controllers, cabinets, vehicle detection components and emergency vehicle pre-emption equipment. Funds are available and were specifically allocated in the 2000 General Capital Improvement Fund for this expense.

**Summary**

At the June 26<sup>th</sup> City Council meeting, the 2000 Traffic Signal Projects were tabled in an effort to evaluate the number of traffic signals proposed to be installed on 104<sup>th</sup> Avenue between Sheridan and Federal Boulevards. The originally proposed new traffic signal locations were as follows:

1. Church Ranch Boulevard and 103<sup>rd</sup> Avenue
2. Federal Boulevard and 108<sup>th</sup> Avenue (Bruchez Parkway)
3. 104<sup>th</sup> Avenue and Wolff Street (just east of Sheridan Boulevard)
4. 104<sup>th</sup> Avenue and Bryant Street (just east of Federal Boulevard)
5. 112<sup>th</sup> Avenue and Marshall Street (between Sheridan Boulevard and Westminster Boulevard)
6. 104<sup>th</sup> Avenue and Perry Street (between Sheridan Boulevard and Federal Boulevard)

City Council was advised that a new traffic signal was warranted in 2001 at 104<sup>th</sup> Avenue and Legacy Ridge Parkway in addition to the proposed new traffic signals in 2000 on 104<sup>th</sup> Avenue at Wolff Street and Perry Street. With 104<sup>th</sup> Avenue designated as an official route to Denver International Airport, City Council members expressed concern about three new traffic signals proposed for 2000/2001 on 104<sup>th</sup> Avenue. In an effort to reduce the number of traffic signals along the DIA route, Staff proposes to install a traffic signal at 104<sup>th</sup> Avenue and Legacy Ridge Parkway in lieu of new traffic signals at both Wolff and Perry Streets. Staff believes that the proposed traffic signal at Legacy Ridge Parkway would present sufficient gaps for vehicles from Wolff and Perry when the signal stops traffic on 104<sup>th</sup> Avenue. The traffic gaps would last for approximately 20 seconds for traffic heading east and west from Legacy Ridge Parkway at 104<sup>th</sup> Avenue. Both Perry and Wolff Streets could be re-evaluated in future years for traffic signal warrants if it is determined that the gaps presented by the new traffic signal at Legacy Ridge Parkway are inadequate.

It should be noted that the proposed traffic signal at Federal Boulevard and 108<sup>th</sup> Avenue is on the State Highway system. The Colorado Department of Transportation (CDOT) has requested that Federal Boulevard and 108<sup>th</sup> Avenue not be awarded until their financial participation has been fully determined. It is expected that the construction of Federal Boulevard and 108<sup>th</sup> Avenue can be added to the contract by change order within the next 60 days once funds have been acquired from CDOT.

Formal bids for the construction of each of the six originally proposed signals were solicited and opened on June 13. Also, price quotes were obtained from suppliers of traffic signal poles, mast arms, controllers, cabinets, vehicle detection components and the emergency vehicle pre-emption equipment.

Direct purchase of the signal equipment outlined above allows for a more timely installation of signal projects and produces cost savings by eliminating the traditional markups by traffic signal contractors when they order the equipment.

Using information from the June 13 bid opening, Staff can closely estimate the cost of a signal installation at the 104<sup>th</sup> Avenue and Legacy Ridge Parkway intersection. The specific award requested of City Council and the corresponding costs of the projects are outlined below:

<u>Location</u>	<u>Construction</u>	<u>Materials</u>	<u>Total</u>
1. Church Ranch Boulevard and 103 <sup>rd</sup> Avenue	\$27,683	\$29,261	\$56,944
2. 104 <sup>th</sup> Avenue and Bryant Street	\$27,474	\$26,964	\$54,438
3. 112 <sup>th</sup> Avenue and Marshall Street	\$22,611	\$22,861	\$45,472
4. 104 <sup>th</sup> Avenue and Legacy Ridge Parkway	\$42,090	\$25,138	\$67,228
5. Old Wadsworth Boulevard and Big Dry Creek	\$13,600		\$13,600
6. Five 20 MPH School Flashers	\$26,659		\$26,659
7. Internally illuminated street name signs	\$23,100		\$23,100
8. 20% construction contingency	\$36,643		\$36,643
Project Totals	\$219,860	\$104,224	\$324,084

**Policy Issues**

Does Council wish to award a contract for all of the revised items of work outlined within this memorandum or add/delete some items from the contract?

**Staff Recommendation**

1. Remove this item from the Table.
2. Authorize the City Manager to execute a contract with the low bidder, Colorado Signal Inc., in the amount of \$183,217 for the construction of the 2000 Traffic Signal Projects; authorize the expenditure of \$58,575 to Valmont Industries for traffic signal poles and mast arms; authorize the expenditure of \$35,200 to Econolite Control Products, Inc. for traffic signal controllers and cabinets; authorize the expenditure of \$10,449 to 3M, Inc. for emergency vehicle pre-emption equipment; authorize a total project budget of \$324,084 which includes \$36,643 for a 20% construction contingency; and charge these expenses to the appropriate project account in the General Capital Improvement Fund.

**Alternatives**

At Council’s option, any number of the originally listed signal locations can be added or deleted before an award of a contract is made to the selected contractor.

**Background**

As part of the 2000 budget preparation process, City Staff evaluated 20 intersections in the City to determine the need for signalization and establish priorities for such installations. A total of seven intersections met the City’s warrants for signalization, and they are listed below in priority order:

1. Church Ranch Boulevard and 103<sup>rd</sup> Avenue
2. Federal Boulevard and 108<sup>th</sup> Avenue (Bruchez Parkway)
3. Sheridan Boulevard and 77<sup>th</sup> Avenue
4. 104<sup>th</sup> Avenue and Wolff Street
5. 104<sup>th</sup> Avenue and Bryant Street
6. 112<sup>th</sup> Avenue and Marshall Street
7. 104<sup>th</sup> Avenue and Perry Street

Historically, funds have been budgeted each year for the installation of approximately two new signals. This was again the case for the year 2000 when \$200,000 was included in the Capital Improvement Project (CIP) budget. However, late last year, City Council expressed a desire to provide additional funding to allow for the construction of all of the signals that met warrants. Council authorized a transfer of \$220,000 from the Contingency Fund to the New Traffic Signals CIP with \$20,000 earmarked for the investigation of the feasibility of traffic surveillance cameras and the remainder of the transferred funds to be used to install as many of the targeted signals as possible. Since that time, City Staff has learned that the Colorado Department of Transportation will not permit a new signal to be installed at the intersection of Sheridan Boulevard and 77<sup>th</sup> Avenue due to the problems that such a signal would create for the progression of traffic on Sheridan Boulevard which is a State Highway.

Three other projects – funded separately and previously authorized by City Council – were added to the bid for the new traffic signals in order to achieve an “economy of scale.” A mid-block, span-wire pedestrian signal to be constructed at the Big Dry Creek Trail crossing of Wadsworth Boulevard will be funded out of the Department of Parks, Recreation and Libraries’ budget in the amount of \$13,600. Five 20 MPH school flashers, authorized by the City Council last fall when cut-backs in busing were announced by the Jefferson County School District, will be funded by the \$50,000 that was transferred from the Contingency Fund at that time. Finally, a continuation of the previously-approved program to install internally illuminated street name signs at key intersections will be funded out of the Enhancement Fund in the amount of \$23,100.

The four locations where these new illuminated street name signs will be installed are Sheridan Boulevard and 80<sup>th</sup> Avenue, Sheridan Boulevard and 104<sup>th</sup> Avenue, Sheridan Boulevard and 112<sup>th</sup> Avenue and Huron Street and 120<sup>th</sup> Avenue.

City Staff solicited bids for the installation of the proposed projects outlined above. The scope of work included the labor costs for installing City-supplied traffic signal controllers and cabinets, vehicle detection components, emergency vehicle pre-emption equipment, traffic signal mast arms and poles and labor and material costs for traffic signal indications, underground conduits and wiring. Six contractors obtained project plans and five submitted bids, as follows:

<u>Contractor</u>	<u>Bid Amount</u>
Colorado Signal, Inc	\$243,540
W.L. Contractors	\$265,774
Sturgeon Electric	\$396,044
Kimsey Electric	\$399,797
Intermountain Electric, Inc.	\$444,293

Colorado Signal, Inc., the low bidder, is qualified to do the work. Colorado Signal, Inc. has constructed new traffic signals at several locations in the City within the past eight years.

The following represents Staff’s anticipated schedule for completing the traffic signal projects, assuming City Council awards the construction contract and authorizes the purchase of the necessary traffic signal equipment.



July 10th        City Council awards the construction contract and authorizes the purchase of the traffic signal equipment

July 11th        Order traffic signal equipment

July 27th        Issue Notice to Proceed to the contractor

February 15, 2001    Completion of the traffic signal projects

Respectfully submitted,

William M. Christopher  
City Manager



### WESTMINSTER COLORADO

#### **Agenda Memorandum**

**Date:** July 10, 2000

**Subject:** First Public Hearing on 2001 City Budget

**Prepared By:** Barbara Gadecki, Assistant to the City Manager

#### **Introduction**

City Council is scheduled to hold a public hearing to receive public input on the 2001 City Budget at Monday night's City Council meeting.

#### **Summary**

Modification and review of the 2001 City Budget will continue through the summer and will culminate in the distribution of the 2001 Proposed Budget to City Council in early September. The final public hearing is scheduled for September 11, prior to the City Council Budget Retreat, so that citizens will have one more opportunity to comment and provide feedback on the 2001 City Budget. In accordance with the City Charter, City Council must adopt the budget no later than the October 23 City Council meeting.

#### **Staff Recommendation**

Hold a public hearing on the 2001 City Budget and receive citizen comments.

#### **Background Information**

In April, City Council agreed to keep the focus in 2001 the same as those pursued in 2000. The following is the list identified by the City Council:

- Improve transportation systems in the northwest quadrant of the Denver Metro Area;
- Continue to develop Westminster as the "City of Choice" in the Metro Area;
- Maintain high quality services;
- Broaden citizen communication and involvement;
- Enhance the City's economic/fiscal viability; and
- Strengthen regional cooperation on priority projects.

The direction provided by City Council assists City Staff as they review and modify the preliminarily approved 2001 City Budget. Other considerations that go into developing a comprehensive budget are department priorities that strive to maintain existing service levels and citizen or neighborhood input.

City Council preliminarily approved the 2001 Budget with the formal adoption of the 2000 Budget in October 1999. However, per the City Charter, only an annual budget may be adopted each year and therefore the preliminarily approved budget is intended as a planning document for the second year's budget. Through the summer, departments review and make minor modifications to the preliminarily approved 2001 Budget to best maintain existing service levels and address citizen or neighborhood input on services.

A Proposed Budget will be submitted to City Council on September 1 for their review. After reviewing the Proposed Budget for several weeks, City Council is scheduled to meet in September at the Budget Retreat to deliberate on final funding decisions on staffing levels, programs, services, and capital projects.

The hearing on July 10<sup>th</sup> is the first of two public hearings on the 2001 Proposed City Budget to solicit citizen input. The second public hearing is scheduled for Monday, September 11.

Adoption of the 2001 Budget is scheduled for October 23 per City Charter requirements.

Respectfully submitted,

William M. Christopher  
City Manager



### WESTMINSTER COLORADO

#### Agenda Memorandum

**Date:** July 10, 2000

**Subject:** Annexation and Preliminary Development Plan Approval for the Freedom, Inc. Property, Annexation and Zoning of City Open Space, and Jefferson Academy

**Prepared by:** David Falconieri, Planner III

#### Introduction

City Council action is requested for the purpose of taking action on the application for annexation and zoning of three parcels of land and a Preliminary Development Plan for the Freedom, Inc. land. The three parcels include the Jefferson Academy land, the Big Dry Creek Open Space parcel that is owned by the City and a two-acre parcel belonging to Freedom, Inc.

#### Summary

**Applicant/Property Owner**  
**Jefferson Academy, City of Westminster and Freedom, Inc.**

#### Location

On the north and south side of 99<sup>th</sup> Avenue, west of Wadsworth Boulevard. (See attached vicinity map)

#### Size of Site

Freedom, Inc. parcel, 2 acres; City parcel, 4.5 acres; Jefferson Academy parcel, 13.9 acres. Total annexation: 20.4 acres.

#### Description of Proposed Use

No change in use is proposed for the school land. The City-owned property was purchased for open space, and the Freedom, Inc. property is proposed as an area for expansion of the Family in Christ Church, which is adjacent to the north.

#### Major Issues

1. 99<sup>th</sup> Avenue is an important right-of-way for the City as it has been designated as the route for the Big Dry Creek Trail which is being constructed this year. A signalized trail crossing of Wadsworth Boulevard is also planned near 99<sup>th</sup> Avenue. As part of this application, the owners of the Freedom, Inc. property will dedicate 25-feet of the frontage of their property for Wadsworth Boulevard improvements and ten additional feet along the north side of 99<sup>th</sup> Avenue.
2. The neighborhood association for the surrounding residential area has a number of concerns regarding Jefferson Academy. Included among them is the construction of athletic fields and buildings close to the adjacent homes, construction of a waste storage tank and on-street parking by Academy employees and visitors on residential streets.

#### Policy Issue(s)

- Does the proposed annexation further City goals? The Intergovernmental Agreement between the City and Jefferson County for the Northeast Jefferson County/Westminster Enclaves Area states that “it is the mutual goal of the County and City that the area set forth on Exhibit A (the area described in the Northeast Comprehensive Development Plan) be annexed into the City at such time as it is eligible for annexation and is in compliance with City goals.”

- Does the City wish to annex the school site when there are a number of contentious issues with the adjacent residents that are unresolved?
- Whether or not to approve the Preliminary Development Plan for the Freedom, Inc. property allowing for a church use.

### **Planning Commission Recommendation**

Planning Commission voted unanimously (7-0) to recommend to City Council that the Jefferson Academy property not be annexed or zoned O-1. Planning Commission members felt that the school should work with the neighbors to resolve the contentious issues prior to the City annexing the property.

Planning Commission voted unanimously (7-0) to recommend to City Council that the annexation of the Lange property and the Freedom, Inc. parcel be approved.

Planning Commission voted unanimously (7-0) to recommend to City Council that the City owned property be zoned O-1 (Open Space) and that the Freedom, Inc. parcel be zoned Planned Unit Development (PUD).

Planning Commission voted unanimously (7-0) to recommend to City Council that the Preliminary Development Plan (PDP) for the Freedom, Inc. parcel be approved as submitted.

### **Staff Recommendation**

1. Hold a public Hearing.
2. Adopt Resolution No. 50 making certain finding of fact as required by State Statutes regarding the City and Freedom, Inc. properties.
3. Make a finding that there is currently not a community of interest with the Jefferson Academy property and deny the annexation petition for that property.
4. Pass Councillor's Bill No. 53 on first reading annexing the City and Freedom, Inc., properties to the City of Westminster.
5. Pass Councillor's Bill No. 54 on first reading zoning the City property O-1 (Open) and the Freedom, Inc. property Planned Unit Development (PUD).
6. Approve the Preliminary Development Plan (PDP) for the Freedom, Inc. property as submitted.

### **Alternative(s)**

1. Hold a public hearing.
2. Adopt Resolution No. 50 A making certain findings of fact as required by State Statutes regarding the City and Freedom, Inc. properties and the Jefferson Academy property.
3. Pass Councillor's Bill No. 53 A on first reading annexing the City property, Freedom, Inc. property and Jefferson Academy property to the City of Westminster.
4. Pass Councillor's Bill No. 54 A on first reading zoning the City and the Jefferson Academy properties O-1 (Open) and the Freedom, Inc. property Planned Unit Development (PUD).
5. Approve the Preliminary Development Plan for the Freedom, Inc. property as submitted.

### **Background Information**

#### Discussion of Major Issues

Area residents have had problems with the Jefferson Academy School Board concerning recent improvements to the property, and the Board's general unwillingness to cooperate with local jurisdictions and neighbors. There are several areas of concern:

- Because of limited parking provided on the school site, overflow parking during special events often flows out onto local streets sometimes blocking drives. The new gymnasium and athletic field improvements were built without adding any parking which was already limited due to the expansion of the classrooms using modular buildings. The school did not meet any accepted parking ratio standards when adding those facilities, and was not responsive to the County when asked to submit a site plan. The County issued a code violation notice and the school finally submitted a Site Development Plan for the County to review. That process is now on-going within the County Planning Department. A request for a parking-by-permit-only zone is also being considered by the County Commissioners. This would restrict the street parking in the vicinity to residents only. No date has been established for Commissioners review of this issue.
- The residents are concerned that the proposed improvements to the athletic fields will draw many activities to the largely rural area increasing the impact on the neighborhood. They are especially concerned that the fields will be lighted, drawing evening activities as well.
- The school apparently constructed an underground holding tank for waste in order to serve users of the athletic fields. This was done in order to avoid making extensions to the City sewer lines. No permits for the tank were granted by the health department.

#### Architectural/Building Materials

Plans for the church expansion will be reviewed as part of the Official Development Plan process. No changes are proposed for the City property or for Jefferson Academy.

#### Public Land Dedication, Parks/Trails

No public land dedication is required of any of the properties. The 99<sup>th</sup> Avenue right-of-way will be used as the corridor for the Big Dry Creek trail. The City property may be used in part for trailhead parking.

#### Access and Circulation

Improvements to Wadsworth Boulevard will be deferred until the property that fronts along the street is developed. However, the applicant will, however, dedicate the necessary right-of-way at this time.

#### Site Design

Design of the Freedom, Inc. property will be determined at the time of the Official Development Plan approval.

#### Signage

No signage is proposed for the Freedom, Inc. site, and no additional signage is proposed for the school site. The City may elect to identify the open space parcel at some point in the future.

#### Service Commitment Category

No Service Commitments will be required as part of this proposed annexation.

#### Referral Agency Responses

No responses were received.

#### Public Comments

The proposed annexation conforms to the requirements of the Northeast Comprehensive Development Plan, which was adopted after numerous public meetings. The representatives of the adjacent residents have conveyed to Staff the concerns with the Jefferson Academy operations. Several concerns have been raised by area residents regarding the school and the annexation of the school into the City.

Surrounding Land Use and Comprehensive Land Use Plan Designations

The land to be annexed is entirely surrounded by land regulated by the Northeast Comprehensive Development Plan. The properties to be annexed are bordered on the north, west and south by land that is zoned A-2 in the county. To the east of the Freedom, Inc. parcel, the land is zoned C-1 in the county.

Respectfully submitted,

William M. Christopher  
City Manager

Attachments

## RESOLUTION

RESOLUTION NO. **50**

INTRODUCED BY COUNCILLORS

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SERIES OF 2000

A RESOLUTION PURSUANT TO SECTION 31-12-110, C.R.S., SETTING FORTH THE FINDINGS OF FACT AND CONCLUSION OF CITY COUNCIL WITH REGARD TO THE PROPOSED ANNEXATION OF CONTIGUOUS INCORPORATED TERRITORY IN SECTION 14, TOWNSHIP 2 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF JEFFERSON, STATE OF COLORADO.

WHEREAS, pursuant to the laws of the State of Colorado, there has been filed with the City Clerk petitions (the "Petitions") for the annexation of the property described in said Petitions; and

WHEREAS, City Council has previously adopted Resolution No. 42 finding the Petitions to be in substantial compliance with the provisions of section 31-12-107(1), C.R.S., and;

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

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

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

1. The City Council finds:
  - a. Not less than 1/6 of the perimeter of the area proposed to be annexed is contiguous with the City of Westminster;
  - b. A community of interest exists between the area proposed to be annexed and the City;
  - c. The area is urban or will be urbanized in the near future; and
  - d. The area is integrated with or is capable of being integrated with the City.
2. The City Council further finds:
  - a. With respect to the boundaries of the territory proposed to be annexed, no land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, has been divided into separate parts or parcels without the written consent of the landowners thereof, except to the extent such tracts or parcels are separated by dedicated street, road, or other public way; and
  - b. With regard to the boundaries of the area proposed to be annexed, no land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, comprising twenty (20) acres or more (which, together with the buildings and improvements situated thereon has a valuation for assessment in excess of \$200 for ad valorem tax purposes for the previous year), has been included in the area being proposed for annexation without the written consent of the owners thereof, except to the extent such tract of land is situated entirely within the outer boundaries of the City immediately prior to the annexation of said property.



3. The City Council further finds:

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

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

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

PASSED AND ADOPTED this 10th day of July, 2000.

ATTEST:

\_\_\_\_\_  
Mayor Pro Tem

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

Freedom Annexation

BY AUTHORITY

ORDINANCE NO.

COUNCILOR'S BILL NO. **53**

SERIES OF 2000

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN A PARCEL OF LAND LOCATED IN SECTION 14, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO.

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

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

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

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

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

NOW, THEREFORE, the City of Westminster ordains:

Section 1. That the annexation is hereby accomplished by and to the City of Westminster, State of Colorado, in accordance with the procedures specified in Section 31-12-104(1)(a) C.R.S., of the following described contiguous unincorporated territory situate, lying and being in the County of Jefferson, State of Colorado, to wit:

Annexation 1

A portion of the south half of the northeast corner of the southwest quarter, Section 14, Township 2 South, Range 69 west of the Sixth Principal Meridian, County of Jefferson, State of Colorado, and being more particularly described as follows:

Commencing at the center quarter corner of said Section 14; thence S 00°41'00" W along the east line of said southwest quarter of Section 14 a distance of 346.06 feet to the point of beginning.

Thence continuing S 89°30'40" W along said northerly line a distance of 32.31 feet;

Thence N 01°00'31" E a distance of 660.42 feet;

Thence N 89°32'00" E a distance of 201.80 feet; to an arc of radius 45.00' whose chord bears N 72°34'55" E and being of chord length 81.41 feet;

Thence N 89°32'00" E a distance of 320.73 feet; to an arc of radius 73.01 feet whose chord bears N 44°52'20" W and being of length 104.25 feet;

Thence S 00°16'54" W a distance of 563.21 feet;  
Thence S 89°44'17" W a distance of 328.02 feet;  
Thence N 00°21'28" E a distance of 271.30 feet;  
Thence S 89°41'25" W a distance of 255.35 feet;  
Thence S 00°41'00" W a distance of 271.11 feet;  
Thence S 89°51'01" W a distance of 65.38 feet; to the point of beginning.  
Containing 8.39 acres more or less.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED  
PUBLISHED this 10<sup>th</sup> day of July, 2000.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED  
this 24th day of July, 2000.

ATTEST:

\_\_\_\_\_  
Mayor

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

Freedom Annexation

BY AUTHORITY

ORDINANCE NO.

COUNCILOR'S BILL NO. **54**

SERIES OF 2000

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE ZONING LAW AND ESTABLISHING THE ZONING CLASSIFICATION OF CERTAIN DESCRIBED PROPERTY IN PARCELS OF LAND LOCATED IN SECTION 14, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

a. That an application for the zoning of the property described below from Jefferson County A-1 to City of Westminister O-1 and From A-1 to PUD zoning has been submitted to the City for its approval pursuant to Westminister Municipal Code Section 11-5-1.

b. That Council has completed a public hearing on the requested zoning pursuant to the provisions of Chapter 5 of Title XI of the Westminister Municipal Code.

c. That based on the evidence produced at the public hearing, the City Council finds that the proposed zoning complies with all requirements of City Code, including, but not limited to, the provisions of Westminister Municipal Code Section 11-5-1.

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

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

Section 2. The Zoning District Map of the City is hereby amended by reclassification of the parcels described herein from Jefferson County A-1 to City of Westminister O-1:

Parcel 1: Lots 1 through 4 inclusive, Wadsworth Acres, as recorded in Book 23 at Page 22.

Section 3. The Zoning District Map of the City is hereby amended by reclassification of the parcel described herein from Jefferson County A-1 to City of Westminister PUD:

Parcel 3: A portion of the south half of the northeast corner of the southwest quarter, Section 14, Township 2 South, Range 69 west of the Sixth Principal Meridian, County of Jefferson, State of Colorado, and being more particularly described as follows:

Commencing at the center quarter corner of said Section 14;

Thence S 00°41'00" W along the east line of said southwest quarter of Section 14 a distance of 346.06 feet to the point of beginning;

Thence continuing S 89°51'01" W along said northerly line a distance of 65.38 feet,

Thence S 00°41'00" W a distance of 261.11 feet;

Thence S 89°41'25" W a distance of 255.35 feet;

Thence N 00°21'28" E a distance of 261.30 feet;

Thence S 89°44'17" W a distance of 328.02 feet;

Thence S 00°21'28" W a distance of 271.57 feet;  
Thence N 89°41'25" E a distance of 679.52 feet;  
Thence N 01°00'31" E a distance of 271.06 feet;  
Thence S 89°30'40" W a distance of 32.31 feet; to the point of beginning,  
Containing 2.71 acres more or less.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED  
PUBLISHED this 10th day of July, 2000.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED  
this 24th day of July, 2000.

ATTEST:

\_\_\_\_\_  
Mayor

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

Freedom Zoning

**ALTERNATIVE ORDINANCE  
PACKAGE**

## RESOLUTION

RESOLUTION NO **50 A**

INTRODUCED BY COUNCILLORS

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SERIES OF 2000

A RESOLUTION PURSUANT TO SECTION 31-12-110, C.R.S., SETTING FORTH THE FINDINGS OF FACT AND CONCLUSION OF CITY COUNCIL WITH REGARD TO THE PROPOSED ANNEXATION OF CONTIGUOUS INCORPORATED TERRITORY IN SECTION 14, TOWNSHIP 2 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF JEFFERSON, STATE OF COLORADO.

WHEREAS, pursuant to the laws of the State of Colorado, there has been filed with the City Clerk petitions (the "Petitions") for the annexation of the property described in said Petitions; and

WHEREAS, City Council has previously adopted Resolution No. 42 finding the Petitions to be in substantial compliance with the provisions of section 31-12-107(1), C.R.S., and;

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

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

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

1. The City Council finds:

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

2. The City Council further finds:

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

3. The City Council further finds:

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

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

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

PASSED AND ADOPTED this 10th day of July, 2000.

ATTEST:

\_\_\_\_\_  
Mayor

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

Freedom Annexation



BY AUTHORITY

ORDINANCE NO.

COUNCILOR'S BILL NO. **53 A**

SERIES OF 2000

INTRODUCED BY COUNCILLORS

---

A BILL

FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN A PARCEL OF LAND LOCATED IN SECTION 14, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO.

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

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

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

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

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

NOW, THEREFORE, the City of Westminster ordains:

Section 1. That the annexation is hereby accomplished by and to the City of Westminster, State of Colorado, in accordance with the procedures specified in Section 31-12-104(1)(a) C.R.S., of the following described contiguous unincorporated territory situate, lying and being in the County of Jefferson, State of Colorado, to wit:

Annexation 1

A portion of the south half of the northeast corner of the southwest quarter, Section 14, Township 2 South, Range 69 west of the Sixth Principal Meridian, County of Jefferson, State of Colorado, and being more particularly described as follows:

Commencing at the center quarter corner of said Section 14; thence S 00°41'00" W along the east line of said southwest quarter of Section 14 a distance of 346.06 feet to the point of beginning.

Thence continuing S 89°30'40" W along said northerly line a distance of 32.31 feet;

Thence N 01°00'31" E a distance of 660.42 feet;

Thence N 89°32'00" E a distance of 201.80 feet; to an arc of radius 45.00' whose chord bears N 72°34'55" E and being of chord length 81.41 feet;

Thence N 89°32'00" E a distance of 320.73 feet; to an arc of radius 73.01 feet whose chord bears N 44°52'20" W and being of length 104.25 feet;

Thence S 00°16'54" W a distance of 563.21 feet;  
Thence S 89°44'17" W a distance of 328.02 feet;  
Thence N 00°21'28" E a distance of 271.30 feet;  
Thence S 89°41'25" W a distance of 255.35 feet;  
Thence S 00°41'00" W a distance of 271.11 feet;  
Thence S 89°51'01" W a distance of 65.38 feet; to the point of beginning.  
Containing 8.39 acres more or less.

Annexation 2

A portion of the south half of the northeast corner of the southwest quarter, Section 14, Township 2 South, Range 69 West of the Sixth Principal Meridian, County of Jefferson, State of Colorado and being more particularly described as follows:

Commencing at the center quarter corner of said Section 14;

Thence S 89°48'31" W along the north line of said southwest quarter of Section 14 a distance of 726.58 feet; to the point of beginning;

Thence S 00°00'00" E a distance of 346.38 feet;

Thence S 89°56'41" E a distance of 72.94 feet;

Thence S 00°31'39" W a distance of 339.62 feet;

Thence S 90°00'00" W a distance of 305.47 feet;

Thence N 00°02'01" E a distance of 685.51 feet;

Thence N 89°51'54" E a distance of 235.26 feet; to the point of beginning containing 4.26 acres more or less.

Annexation 3

A portion of the south half of the northeast corner of the southwest quarter, Section 14, Township 2 South, Range 69 West of the Sixth Principal Meridian, County of Jefferson, State of Colorado and being more particularly described as follows:

Commencing at the center quarter corner of said Section 14; Thence S89°49'21" W along the north line of said southwest quarter of Section 14 a distance of 961.84 feet; to the point of beginning.

Thence N 00°02'01" E a distance of 685.51 feet;

Thence N 90°00'00" W a distance of 738.10 feet;

Thence N 00°16'32" W a distance of 683.77 feet;

Thence N 89°51'54" E a distance of 741.79 feet; to the point of beginning containing 11.63 acres more or less.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 10<sup>th</sup> day of July, 2000.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 24th day of July, 2000.

ATTEST:

\_\_\_\_\_  
Mayor

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

BY AUTHORITY

ORDINANCE NO.

COUNCILOR'S BILL NO. **54 A**

SERIES OF 2000

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE ZONING LAW AND ESTABLISHING THE ZONING CLASSIFICATION OF CERTAIN DESCRIBED PROPERTY IN PARCELS OF LAND LOCATED IN SECTION 14, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

a. That an application for the zoning of the property described below from Jefferson County A-1 to City of Westminister O-1 and From A-1 to PUD zoning has been submitted to the City for its approval pursuant to Westminister Municipal Code Section 11-5-1.

b. That Council has completed a public hearing on the requested zoning pursuant to the provisions of Chapter 5 of Title XI of the Westminister Municipal Code.

c. That based on the evidence produced at the public hearing, the City Council finds that the proposed zoning complies with all requirements of City Code, including, but not limited to, the provisions of Westminister Municipal Code Section 11-5-1.

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

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

Section 2. The Zoning District Map of the City is hereby amended by reclassification of the parcels described herein from Jefferson County A-1 to City of Westminister O-1:

Parcel 1: Lots 1 through 4 inclusive, Wadsworth Acres, as recorded in Book 23 at Page 22.

Parcel 2: The northwest quarter of the northeast quarter of the southwest quarter and the east half of the northeast quarter of the northwest quarter of the southwest quarter of Section 14, Township 2 South, Range 69 West of the 6th P.M., County of Jefferson, State of Colorado, except the east 25 feet and the south 25 feet as conveyed to Jefferson County by the instrument recorded in Book 859 at Page 147 of the records of said Jefferson County and being more particularly described as follows:

Commencing at the northwest corner of the southwest quarter of Section 14, Township 2 South, Range 69 West of the 6th P.M. from whence the southwest corner of said southwest quarter bears S 00°31'06" E and all bearings contained herein are relative thereto:

Thence N 89°51'54" E along the north line of said southwest quarter, 1002.05 feet to the northwest corner of the east half of the northeast quarter of the northwest quarter of the southwest quarter of Section 14, said point being the point of beginning; thence continuing along said north line N 89°51'54" E, 977.05 feet to a point on the west right-of-way line of Yarrow Street as conveyed by the instrument recorded in Book 859 at Page 147 of the records of said Jefferson County; thence along said west right-of-way S 00°08'06" E, 618.23 to a point on the north right-of-way line of 99th Avenue as conveyed by the instrument recorded in Book 859 at Page 147 of the records of said Jefferson County; thence along said north right-of-way S 89°46'24" W, 974.98 feet to a point on the west line of the east half of the northeast quarter of the northwest quarter of

the southwest quarter of Section 14; thence departing said north right-of-way and along said west line N 00°19'36" W, 619.79 feet to the point of beginning.

Section 3. The Zoning District Map of the City is hereby amended by reclassification of the parcel described herein from Jefferson County A-1 to City of Westminster PUD:

Parcel 3: A portion of the south half of the northeast corner of the southwest quarter, Section 14, Township 2 South, Range 69 West of the Sixth Principal Meridian, County of Jefferson, State of Colorado, and being more particularly described as follows:

Commencing at the center quarter corner of said Section 14;

Thence S 00°41'00" W along the east line of said southwest quarter of Section 14 a distance of 346.06 feet to the point of beginning;

Thence continuing S 89°51'01" W along said northerly line a distance of 65.38 feet;

Thence S 00°41'00" W a distance of 261.11 feet;

Thence S 89°41'25" W a distance of 255.35 feet;

Thence N 00°21'28" E a distance of 261.30 feet;

Thence S 89°44'17" W a distance of 328.02 feet;

Thence S 00°21'28" W a distance of 271.57 feet;

Thence S 89°41'25" E a distance of 679.52 feet;

Thence N 01°00'31" E a distance of 271.06 feet;

Thence S 89°30'40" W a distance of 32.31 feet; to the point of beginning;

Containing 2.71 acres more or less.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 10th day of July, 2000.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 24th day of July, 2000.

ATTEST:

\_\_\_\_\_  
Mayor

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

Freedom Zoning

BY AUTHORITY

ORDINANCE NO.

COUNCILOR'S BILL NO.

SERIES OF 2000

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE ZONING LAW AND ESTABLISHING THE ZONING CLASSIFICATION OF CERTAIN DESCRIBED PROPERTY IN PARCELS OF LAND LOCATED IN SECTION 14, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

a. That an application for the zoning of the property described below from Jefferson County A-1 to City of Westminister O-1 and From A-1 to PUD zoning has been submitted to the City for its approval pursuant to Westminister Municipal Code Section 11-5-1.

b. That Council has completed a public hearing on the requested zoning pursuant to the provisions of Chapter 5 of Title XI of the Westminister Municipal Code.

c. That based on the evidence produced at the public hearing, the City Council finds that the proposed zoning complies with all requirements of City Code, including, but not limited to, the provisions of Westminister Municipal Code Section 11-5-1.

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

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

Section 2. The Zoning District Map of the City is hereby amended by reclassification of the parcels described herein from Jefferson County A-1 to City of Westminister O-1:

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Parcel 2: The northwest quarter of the northeast quarter of the southwest quarter and the east half of the northeast quarter of the northwest quarter of the southwest quarter of Section 14, Township 2 south, Range 69 West of the 6th P.M., County of Jefferson, State of Colorado, except the East 25 feet and the south 25 feet as conveyed to Jefferson County by the instrument recorded in Book 859 at page 147 of the records of said Jefferson County and being more particularly described as follows:

Commencing at the northwest corner of the southwest quarter of Section 14, Township 2 South, Range 69 West of the 6th P.M. from whence the southwest corner of said southwest quarter bears S 00°31'06" E and all bearings contained herein are relative thereto:

Thence N 89°51'54" E along the north line of said southwest quarter, 1002.05 feet to the northwest corner of the east half of the northeast quarter of the northwest quarter of the southwest quarter of Section 14, said point being the point of beginning; thence continuing along said north line N 89°51'54" E, 977.05 feet to a point on the west right-of-way line of Yarrow Street as conveyed by the instrument recorded in Book 859 at page 147 of the records of said Jefferson County; thence along said west right-of-way S 00°08'06" E, 618.23 to a point on the north right-of-way line of 99th Avenue as conveyed by the instrument recorded in Book 859 at Page 147 of the records of said Jefferson County; thence along said north right-of-way S 89°46'24" W, 974.98

feet to a point on the west line of the east half of the northeast quarter of the northwest quarter of the southwest quarter of Section 14; thence departing said north right-of-way and along said west line N 00°19'36" W, 619.79 feet to the point of beginning.

Section 3. The Zoning District Map of the City is hereby amended by reclassification of the parcel described herein from Jefferson County A-1 to City of Westminster PUD:

Parcel 3: A portion of the south half of the northeast corner of the southwest quarter, Section 14, Township 2 South, Range 69 west of the Sixth Principal Meridian, County of Jefferson, State of Colorado, and being more particularly described as follows:

Commencing at the center quarter corner of said Section 14;  
Thence S 00°41'00" W along the east line of said southwest quarter of Section 14 a distance of 346.06 feet to the point of beginning;

Thence continuing S 89°51'01" W along said northerly line a distance of 65.38 feet,  
Thence S 00°41'00" W a distance of 261.11 feet;  
Thence S 89°41'25" W a distance of 255.35 feet;  
Thence N 00°21'28" E a distance of 261.30 feet;  
Thence S 89°44'17" W a distance of 328.02 feet;  
Thence S 00°21'28" W a distance of 271.57 feet;  
Thence N 89°41'25"E a distance of 679.52 feet;  
Thence N 01°00'31" E a distance of 271.06 feet;  
Thence S 89°30'40" W a distance of 32.31 feet; to the point of beginning  
Containing 2.71 acres more or less.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 10th day of July, 2000.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 24th day of July, 2000.

ATTEST:

\_\_\_\_\_  
Mayor

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

Freedom Zoning



**WESTMINSTER**  
**COLORADO**

### Agenda Memorandum

**Date:** July 10, 2000

**Subject:** East Bay Senior Housing Annexation, PDP/ODP and Comprehensive Land Use Plan Amendment

**Prepared by:** David Falconieri, Planner III

### Introduction

City Council action is requested for the purpose of taking action on the annexation, zoning and Preliminary/Official Development Plan approval for Phase II of the East Bay Senior Housing development and to amend the Comprehensive Land Use Plan to add the annexed area.

### Summary

**Applicant/Property Owner**  
**Brothers Redevelopment, Inc.**

#### Location

South side of 68<sup>th</sup> Avenue, west of Lowell Boulevard.

#### Size of Site

Annexation area, 1.46 acres; total Phase II area, 4.2 acres

#### Description of Proposed Use

Twenty (20) apartment units and thirty-four (34) townhome units.

#### Major Issues

The Preliminary Development Plan (PDP) for East Bay was approved in 1994. At that time two phases of construction were contemplated. The first phase, an 81-unit apartment building, has been built. The current Preliminary Development Plan proposes another identical apartment building to be built in Phase II. The applicant now wishes to revise that plan to build a small apartment building and a townhome development, which would reduce the overall density by 27 units, including the area to be annexed.

#### Policy Issue(s)

- Whether or not to annex property is this area.
- Is the proposed change from apartments to townhomes in the best interests of the City? Is the further expansion of the East Bay development desirable? The reduction of density that would result from this change furthers the goal of the City to conserve Service Commitments.

### Planning Commission Recommendation

The Planning Commission heard this request at their June 27, 2000, hearing. The Planning Commission voted unanimously to recommend that the addition to East Bay be annexed to the City and zoned Planned Unit Development (PUD). They also recommended that the Comprehensive Land Use Plan (CLUP) map be amended to designate the property as "Multi-Family" and that the Preliminary/Official Development Plan be approved as submitted.

### **Staff Recommendation**

1. Hold a public hearing
2. Adopt Resolution No. 51 making certain findings as required by State Statutes.
3. Pass Councillor's Bill No. 55 annexing 1.46 acres on the east side of the East Bay development.
4. Pass Councillor's Bill No. 56 zoning the annexed property to Planned Unit Development (PUD).
5. Pass Councillor's Bill No. 57 amending the Comprehensive Land Use Plan to include the annexed area as Multi-Family residential.
6. Approve the first amended Preliminary Development/Official Development Plan for East Bay as submitted.

### **Alternative(s)**

Make a finding that the proposed amendments to the East Bay development are not desirable and deny the annexation and proposed amendments to the East Bay preliminary development plan.

### **Background Information**

#### Discussion of Major Issues

Brothers Redevelopment is requesting an amendment to their Preliminary Development Plan that would permit the construction of a smaller apartment building and some townhome units instead of the originally approved 81 unit apartment building on the Phase II portion of the project. The total number of units would be reduced in Phase II from 81 to 54. In order to facilitate the request, the applicants have purchased the 1.46 acres to the east and are requesting to add that property to the development. The multi-family component of Phase II would include a total of twenty (20) one-bedroom units and a clubhouse for both phases. The townhome component would consist of thirty-four (34) units (29 two-bedroom and 5 one-bedroom).

#### Architectural/Building Materials

All of the Phase II buildings will incorporate the same building materials. The three story, multi-family/clubhouse building and the townhome buildings will use a stacked stone wainscot on alternating faces of the front and around the garage doors in the rear. The balance of the walls will be covered with oyster shell and mauve colored EIFS (stucco) (the latter color for accent areas). While the materials proposed for Phase II are compatible with those in Phase I, they are not identical. Staff considers the material proposed for use on Phase II to be of higher quality.

Both types of buildings will have balconies and pitched roofs.

#### Public Land Dedication, Parks/Trails

The Public Land Dedication for the existing East Bay project has been satisfied by the dedication of certain lands with Phase I. The Public Land Dedication for the 1.46 acre annexation area will be satisfied as cash-in-lieu-of dedication. The amount required by Code will be 20 percent of the annexed land or the cash equivalent of .29 acres of useable land. There are no regional trails associated with this site. The cash equivalent in this case would be \$14,400.

#### Access and Circulation

The principal entrance to Phase II will be across from the entrance to the Lake View Apartments on 68th Avenue and there will be a secondary entrance to the east of the main entrance. An interior connection will be provided to the Phase I area.



Site Design

The small, three story, multi-family building will be constructed between the existing building and 68<sup>th</sup> Avenue, so that the principal entrance will channel traffic directly into that area. The proposed townhomes will be arranged in three rows parallel to 68<sup>th</sup> Avenue. The detention pond and a 25-foot landscaped setback from the 68<sup>th</sup> Avenue right-of-way will provide a buffer from the street.

Signage

All signs shall conform to the City Code.

Service Commitment Category

The proposed second phase of the East Bay development would require nineteen (19) Service Commitments that would be allocated out of the South Westminster Service Commitment allocation for 2000. This is based on 54 units times .35 Service Commitments per unit. This allocation was set aside by the City Council in order to encourage development in the south area of the City.

Referral Agency Responses

No responses were received.

Surrounding Land Use and Comprehensive Land Use Plan Designations

East Bay is bordered by the Lake View Apartments to the north and by Hidden Lake on the west. To the east and south, the property is bordered by unincorporated Adams County property zoned R-1. The Comprehensive Land Use Plan does not address lands that are currently outside current City boundaries. The East Bay property is currently designated as Multi-Family and the property to the north is also Multi-Family. The properties in all other directions are unincorporated. The proposal would be consistent with the Multi-Family designation.

Respectfully submitted,

William M. Christopher  
City Manager

Attachments

## RESOLUTION

RESOLUTION NO. **51**

INTRODUCED BY COUNCILLORS

SERIES OF 2000

A RESOLUTION PURSUANT TO SECTION 31-12-110, C.R.S., SETTING FORTH THE FINDINGS OF FACT AND CONCLUSION OF CITY COUNCIL WITH REGARD TO THE PROPOSED ANNEXATION OF CONTIGUOUS INCORPORATED TERRITORY IN SECTION 6, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO.

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

WHEREAS, City Council has previously adopted Resolution No. 41 finding the Petition to be in substantial compliance with the provisions of section 31-12-107(1), C.R.S., and;

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

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

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

1. The City Council finds:
  - a. Not less than 1/6 of the perimeter of the area proposed to be annexed is contiguous with the City of Westminster;
  - b. A community of interest exists between the area proposed to be annexed and the City;
  - c. The area is urban or will be urbanized in the near future; and
  - d. The area is integrated with or is capable of being integrated with the City.
2. The City Council further finds:
  - a. With respect to the boundaries of the territory proposed to be annexed, no land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, has been divided into separate parts or parcels without the written consent of the landowners thereof, except to the extent such tracts or parcels are separated by dedicated street, road, or other public way; and
  - b. With regard to the boundaries of the area proposed to be annexed, no land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, comprising twenty (20) acres or more (which, together with the buildings and improvements situated thereon has a valuation for assessment in excess of \$200 for ad valorem tax purposes for the previous year), has been included in the area being proposed for annexation without the written consent of the owners thereof, except to the extent such tract of land is situated entirely within the outer boundaries of the City immediately prior to the annexation of said property.

3. The City Council further finds:

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

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

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

PASSED AND ADOPTED this 10th day of July, 2000.

ATTEST:

\_\_\_\_\_  
Mayor Pro Tem

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

East Bay Annexation

BY AUTHORITY

ORDINANCE NO. **2791**

COUNCILOR'S BILL NO. **55**

SERIES OF 2000

INTRODUCED BY COUNCILLORS

Hicks - Merkel

A BILL

FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN A PARCEL OF LAND LOCATED IN SECTION 6, TOWNSHIP 3 SOUTH, RANGE 68 WEST, 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO.

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

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

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

WHEREAS, City Council has heretofore adopted Resolution No. 51 making certain findings of fact and conclusions regarding the proposed annexation as required by Section 31-12-110, C.R.S., and now finds that the property proposed for annexation under the Annexation Petition may be annexed by ordinance at this time; and

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

NOW, THEREFORE, the City of Westminster ordains:

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

Legal Description – Parcel A:

A parcel of land located in the N ½ SE ¼ of Section 6, T3S, R68W, 6th P.M., County of Adams, State of Colorado, more particularly described as follows:

Beginning at a point on the north line of said N ½ SE ¼ said point being N 88°40'12" E, a distance of 2179.61 feet from the center of said Section 6;

Thence continuing N 88°40'12" E, along the north line of said N ½ SE ¼ a distance of 216.58 feet;

Thence S 00°00'18" W a distance of 299.67 feet to the north line of "Westport on the Lake";

Thence S 88°40'12" W, along the north line of "Westport on the Lake", a distance of 209.62 feet;

Thence N 01°19'48" W a distance of 299.67 feet to the Point of Beginning.

Containing 63,859.68 square feet, more or less.

Legal Description – Parcel B

A parcel of land in the SE ¼ of the NE ¼ of Section 6, T3S, R68W, 6th P.M., County of Adams, State of Colorado, more particularly described as follows:

Beginning at a point 247.00 feet west of the SE corner of the said SE ¼ of the NE ¼, said point also being the northeast corner of the fee title parcel of land described in Book 2273 at Page 486; thence north 10.0 feet to the south line of West 68th Avenue;

Thence west along said south line of West 68th Avenue, 216.58 feet more or less to a point approximately ten feet north of the northwest corner of the said parcel of land described in Book 2273 at Page 486;

Thence south 10.0 feet more or less to the said parcel of land described in Book 2273 at Page 486;

Thence east along the south line of the said SW ¼ of the NE ¼, also being the north line of the said parcel of land described in Book 2273 at Page 486 to the point of beginning.

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 10<sup>th</sup> day of July, 2000.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this day of July, 2000.

ATTEST:

\_\_\_\_\_

Mayor

\_\_\_\_\_

City Clerk

East Bay Annexation

BY AUTHORITY

ORDINANCE NO.

COUNCILOR'S BILL NO. **56**

SERIES OF 2000

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE ZONING LAW AND ESTABLISHING THE ZONING CLASSIFICATION OF CERTAIN DESCRIBED PROPERTY IN A PARCEL OF LAND LOCATED IN SECTION 6, TOWNSHIP 3 SOUTH, RANGE 68 WEST, 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

- a. That an application for the zoning of the property described below from Adams County R-1 to City of Westminster PUD zoning has been submitted to the City for its approval pursuant to Westminster Municipal Code Section 11-5-1.
- b. That Council has completed a public hearing on the requested zoning pursuant to the provisions of Chapter 5 of Title XI of the Westminster Municipal Code.
- c. That based on the evidence produced at the public hearing, the City Council finds that the proposed zoning complies with all requirements of City Code, including, but not limited to, the provisions of Westminster Municipal Code Section 11-5-1.
- d. That the proposed zoning is compatible with existing zoning and land uses of adjacent properties in the general vicinity of the property proposed for zoning.
- e. That the proposed zoning is consistent with all applicable general plans and policies concerning land use and development relative to the property proposed for zoning.

Section 2. The Zoning District Map of the City is hereby amended by reclassification of the property described herein from Adams County R-1 to City of Westminster PUD. A parcel of land located in Section 6, Township 3 South, Range 68 West, 6th P.M., County of Adams, State of Colorado, more particularly described as follows:

A parcel of land located in the N ½ SE ¼ of Section 6, T3S, R68W of the 6th P.M., County of Adams, State of Colorado, more particularly described as follows:

Beginning at a point on the north line of said N ½ SE ¼, said point being N 88°40'12" E, a distance of 1759.91 feet from the center of said Section 6; thence continuing N 88°40'12" E, along the north line of said N ½ SE ¼ a distance of 636.28 feet: Thence S 00°00'18" W a distance of 324.67 feet to the north line of "Westport on the Lake"; Thence S 88°40'12" W, along the north line of "Westport on the Lake", a distance of 478.32 feet: Thence N 01°19'48" W a distance of 145.00 feet: Thence S 88°40'12" W a distance of 151.00 feet: Thence N 01°19'48" W a distance of 179.66 feet to the point of beginning.

Containing 183,598 square feet, more or less.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 10th day of July, 2000.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 24th day of July, 2000.

ATTEST:

\_\_\_\_\_  
Mayor

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

East Bay Zoning

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **57**

SERIES OF 2000

INTRODUCED BY COUNCILLORS

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A BILL

FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN

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

WHEREAS, the City Council has annexed new properties to the City specifically described in "Exhibit A"; and

WHEREAS, an amendment of the Plan is necessary to provide a land use designation for the annexed property and to keep the Plan up to date; and

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

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

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council authorizes City Staff to make the necessary changes to the maps and text of the Westminster Comprehensive Land Use Plan which are necessary to add the East Bay addition annexation property, legally described in "Exhibit A" attached hereto. The East Bay property shall be designated "Multi-family".

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 10th day of July, 2000.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this     day of     , 2000.

ATTEST:

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Mayor

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City Clerk



## EXHIBIT A

### Legal Description – Parcel A:

A parcel of land located in the N ½ SE ¼ of Section 6, T3S, R68W, 6th P.M., County of Adams, State of Colorado, more particularly described as follows:

Beginning at a point on the north line of said N ½ SE ¼ said point being N 88°40'12" E, a distance of 2179.61 feet from the center of said Section 6;

Thence continuing N 88°40'12" E, along the north line of said N ½ SE ¼ a distance of 216.58 feet;

Thence S 00°00'18" W a distance of 299.67 feet to the north line of "Westport on the Lake";

Thence S 88°40'12" W, along the north line of "Westport on the Lake", a distance of 209.62 feet;

Thence N 01°19'48" W a distance of 299.67 feet to the Point of Beginning.

Containing 63,859.68 square feet, more or less.



**WESTMINSTER**  
**COLORADO**

### Agenda Memorandum

**Date:** July 10, 2000

**Subject:** BAM Animal Hospital Annexation, Zoning and Preliminary Development Plan

**Prepared by:** David Falconieri, Planner III

### Introduction

City Council is requested to take action on the request by the Lee Woods, owner of BAM Animal Hospital, for annexation, zoning to Planned Unit Development (PUD) and Preliminary Development Plan (PDP) approval for the property located at 7453 West 105<sup>th</sup> Avenue.

### Summary

**Applicant/Property Owner**  
**Lee Woods**

Location  
7453 West 105<sup>th</sup> Avenue

Size of Site  
4.55 Acres

Description of Proposed Use  
Animal hospital and pet care center. No outdoor runs will be included.

### Major Issues

1. Access to the site is from Wadsworth Boulevard to 105<sup>th</sup> Avenue. The intersection of those streets is located just to the south of a narrow underpass beneath the Burlington Northern Santa Fe Railroad bridge. The intersection is not well designed for increased traffic. The Northeast Comprehensive Development Plan, which is a joint planning document adopted by the City of Westminster and Jefferson County in 1996, anticipated that the western end of 105<sup>th</sup> Avenue might be closed when Reed Street is connected to Church Ranch Boulevard. 105<sup>th</sup> Avenue connects to Reed Street east of the BAM parcel.
2. Animal hospitals can create noise and odor problems for residential areas. The applicants have designed the site to minimize this problem.
3. Two lots are proposed for the property, one with the animal hospital, and the other for a use to be determined with a separate Official Development Plan (ODP). The uses permitted for that lot will be in conformance with those permitted in the Northeast Comprehensive Development Plan, and are limited to office, research and development uses, nurseries, clinics, financial institutions and light industrial uses.

### Policy Issue(s)

- Is the annexation of the proposed pet hospital in the best interests of the City? The area is governed by the Northeast Comprehensive Development Plan that permits this type of use. In the Intergovernmental Agreement (IGA) adopting the Northeast Comprehensive Development Plan, the Council made the finding that annexation of the land within the enclave area was a desired goal.

### Planning Commission Recommendation

The Planning Commission heard this case at their regular meeting of June 27, 2000. No one appeared in support or opposition. The Planning Commission voted unanimously to recommend that the annexation of the Woods property be approved and that it be zoned PUD. The Planning Commission also recommended that the Preliminary Development Plan be approved as submitted.

### **Staff Recommendation**

1. Hold a public hearing.
2. Adopt Resolution No. 52 making certain findings of fact as required by State Statutes regarding the proposed annexations.
3. Pass on first reading Councillor's Bill No. 58 approving the Woods first, second and third annexations.
4. Pass on first reading Councillor's Bill No. 59 zoning the Woods property from Jefferson County A-1 to City of Westminster Planned Unit Development (PUD).
5. Approve the Preliminary Development Plan for the BAM Pet Hospital.

### **Alternative(s)**

- Approve the BAM Animal Hospital Preliminary Development Plan conditional upon the applicant revising the plan documents to show only one lot for a pet hospital.
- Determine that the annexation is not desirable and deny the request.

### **Background Information**

#### Discussion of Major Issues:

1. The applicant has proposed to split the parcel and provide two acres along 105<sup>th</sup> Avenue for a separate use to be determined at a later time. A separate Official Development Plan with compatible architectural design will be required.
2. In order to improve the access to the proposed site, the applicant would be required to improve the right-of-way for 105<sup>th</sup> Avenue, not only adjacent to the site but the entire length of the street from the site to the intersection with Wadsworth Boulevard. The proposed Preliminary Development Plan gives the applicant two options. The first is to construct 105<sup>th</sup> to Wadsworth Boulevard to City standards, in which case they would be entitled to recoveries when adjacent properties develop. Or, they can construct temporary road improvements, which would not meet City standards but would provide adequate access to the site. No recoveries would be due in that case. This issue will be addressed as part of the Official Development Plan approval process. In either case, required street improvements such as curb, gutter and sidewalks would be required for the right-of-way frontage along the BAM property.
3. The applicant has designed the building so that there are no outdoor runs for the animals and no animal sounds will be audible outside the building when the animals are within the structure. The applicants run a similar facility in Boulder near a residential area and have never received complaints regarding noise or odor problems.

Architectural/Building Materials

Final design of the structure will be reviewed at the time of Official Development Plan approval. The building will be constructed of masonry and stucco materials and will be residential in scale with pitched roof and only a single story.

Public Land Dedication, Parks/Trails

None.

Access and Circulation

Off-site access improvements have been discussed above. The site should show separate access from 105<sup>th</sup> Avenue for both lots. Staff is recommending that this be a condition of approval of the Preliminary Development Plan.

Site Design

To be determined at the time of Official Development Plan approval.

Signage

Shall conform to the City Sign Code. Elevations will be provided with the Official Development Plan.

Service Commitment Category

Service commitments will be awarded out of Category C. The number of commitments will be calculated at time of Official Development Plan.

Referral Agency Responses

No comments were received.

Public Comments

A neighborhood meeting was held to acquaint the neighbors with the proposed use. Approximately 40 individuals attended. There were no objections to the proposed use but everyone was concerned with the potential noise related to the operation. The applicant showed videos of their existing facility in Boulder and addressed the architectural features of the proposed building.

Surrounding Land Use and Comprehensive Land Use Plan Designations

The proposed site is entirely surrounded by agricultural land uses zoned A-1 in Jefferson County, except for a small strip of land to the north which is adjacent to the railroad tracks and Lower Church Lake. As stated previously, the site is governed by the provisions of the Northeast Comprehensive Development Plan.

Respectfully submitted,

William M. Christopher  
City Manager

Attachments

## RESOLUTION

RESOLUTION NO **52**

INTRODUCED BY COUNCILLORS

SERIES OF 2000

A RESOLUTION PURSUANT TO SECTION 31-12-110, C.R.S., SETTING FORTH THE FINDINGS OF FACT AND CONCLUSION OF CITY COUNCIL WITH REGARD TO THE PROPOSED ANNEXATION OF CONTIGUOUS INCORPORATED TERRITORY IN SECTION 11, TOWNSHIP 2 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF JEFFERSON, STATE OF COLORADO.

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

WHEREAS, City Council has previously adopted Resolution No. 30 finding the Petition to be in substantial compliance with the provisions of section 31-12-107(1), C.R.S., and;

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

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

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

1. The City Council finds:

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

2. The City Council further finds:

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

3. The City Council further finds:

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

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

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

PASSED AND ADOPTED this 10th day of July, 2000.

ATTEST:

\_\_\_\_\_  
Mayor Pro Tem

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

BAM Annexation

BY AUTHORITY

ORDINANCE NO.  
SERIES OF 2000

COUNCILLOR'S BILL NO. **58**  
INTRODUCED BY COUNCILLORS

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A BILL

FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN A PARCEL OF LAND LOCATED IN SECTION 11, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO.

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

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

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

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

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

NOW, THEREFORE, the City of Westminster ordains:

Section 1. That the three sequential annexations are hereby accomplished by and to the City of Westminster, State of Colorado, in accordance with the provisions of Section 31-12-104(a) C.R.S., of the following described contiguous unincorporated territory situate, lying and being in the County of Jefferson, State of Colorado, to wit:

Woods First Annexation:

A parcel of land located in the southeast corner of Section 11, Township 2 South, Range 69 West of the 6th P.M., County of Jefferson, State of Colorado more particularly described as follows:

Commencing at the southwest corner of said southeast quarter of Section 11;

Thence N 89°06'50" E 7.79 feet along the south line of said southeast quarter to the westerly right-of-way line of West 105th Avenue as delineated on the map of Mandalay Gardens (Rec. No. 19463, Book 5 Page 36);

Thence N 13°45'50" E 210.96 feet along said westerly right-of-way line of West 105th Avenue to the common right-of-way line between the Burlington Northern Railroad and west 105th Avenue;

Thence continuing along said common right-of-way line N 39°39'50" E 623.58 feet to its intersection with the northerly right-of-way line of West 105th Avenue extended;

Thence N 39°43'50" E, 247.02 feet along the southeasterly right-of-way line of the Burlington Northern Railroad to the point of beginning;

Thence N 39°43'50" E, 594.47 feet along said southeasterly right-of-way line;

Thence N 89°00'48" E, 37.40 feet;

Thence S 00°43'25" E, 451.01 feet;

Thence S 89°04'19" W, 423.11 feet to the point of beginning, containing 2.38 acres.

Woods Second Annexation:

A parcel of land located in the southeast corner of Section 11, Township 2 South, Range 69 West of the 6th P.M., County of Jefferson, State of Colorado more particularly described as follows:

Commencing at the southwest corner of said southeast quarter of Section 11;

Thence N 89°06'50" E 7.79 feet along the south line of said southeast quarter to the westerly right-of-way line of West 105th Avenue as delineated on the map of Mandalay Gardens (Rec. No. 19463, Book 5 Page 36);

Thence N 13°45'50" E 210.96 feet along the westerly right-of-way line of West 105th Avenue to the common right-of-way line between the Burlington Northern Railroad and West 105th Avenue;

Thence continuing along said common right-of-way line N 39°39'50" E 623.58 feet to its intersection with the northerly right-of-way line of West 105th Avenue extended, said point being the point of beginning;

Thence N 39°43'50" E 247.02 feet;

Thence N 89°04'19" E 423.11 feet;

Thence S 00°43'25" E 227.39 feet;

Thence S 89°04'19" E 538.51 feet;

Thence S 42°47'25" W 550.22 feet;

Thence N 36°32'47" E 551.48 feet to the point of beginning, containing 133,244 square feet (3.06 acres).

Woods Third Annexation:

A parcel of land located in the southeast corner of Section 11, Township 2 South, Range 69 West of the 6th P.M., County of Jefferson, State of Colorado more particularly described as follows:

Commencing at the southwest corner of said southeast quarter of Section 11;

Thence N 89°06'50" E 7.79 feet along the south line of said southeast quarter to the point of beginning, being the westerly right-of-way line of West 105th Avenue as delineated on the map of Mandalay Gardens (Rec. No. 19463, Book 5 Page 36);

Thence N 13°45'50" E 210.96 feet along said westerly right-of-way line of West 105th Avenue to the common right-of-way line between the Burlington Northern Railroad and West 105th Avenue;



Thence along said common right-of-way line N 39°39'50" E 623.58 feet to its intersection with the northerly right-of-way line of West 105th Avenue extended;

Thence S 36°32'47" W 551.48 feet;  
Thence N 42°47'25" E 550.22 feet;  
Thence S 39°39'50" W 608.52 feet;  
Thence S 13°45'50" W 181.48 feet;  
Thence continuing S 13°45'50" W 86.43 feet;

Thence 200.38 feet along the arc of a non-tangent curve to the right, said arc subtended by a radius of 398.10 feet, a central angle of 28°50'20", and a chord bearing S 15°36'02" E, 198.27 feet;

Thence S 88°48'37" W 80.00 feet;

Thence 163.35 feet along the arc of a non-tangent curve to the left, said arc subtended by a radius of 318.10 feet, a central angle of 29°25'21", and a chord bearing N 15°53'30" W, 161.56 feet;

Thence N 13°45'50" E 123.74 feet to the point of beginning, containing 53,090 square feet (1.22 acres).

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 10th day of July, 2000.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this day of July, 2000.

ATTEST:

\_\_\_\_\_  
Mayor

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

BAM Annexation

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **59**

SERIES OF 2000

INTRODUCED BY COUNCILLORS

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A BILL

FOR AN ORDINANCE AMENDING THE ZONING LAW AND ESTABLISHING THE ZONING CLASSIFICATION OF CERTAIN DESCRIBED PROPERTY IN A PARCEL OF LAND LOCATED IN SECTION 11, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

a. That an application for the zoning of the property described below from Jefferson County A-1 to City of Westminster Planned Unit Development (PUD) zoning has been submitted to the City for its approval pursuant to Westminster Municipal Code Section 11-5-1.

b. That Council has completed a public hearing on the requested zoning pursuant to the provisions of Chapter 5 of Title XI of the Westminster Municipal Code.

c. That based on the evidence produced at the public hearing, the City Council finds that the proposed zoning complies with all requirements of City Code, including, but not limited to, the provisions of Westminster Municipal Code Section 11-5-1.

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

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

Section 2. The Zoning District Map of the City is hereby amended by reclassification of the property described herein from Jefferson County A-1 to City of Westminster PUD. A parcel of land located in Section 11, Township 2 South, Range 69 West, 6th P.M., County of Jefferson, State of Colorado, more particularly described as follows:

The west half of tract fifty-one, Mandalay Gardens, together with a tract of land described at Reception No. 822116, more particularly described as follows:

Commencing at the south quarter corner of Section 11, Township 2 South, Range 69 West of the Sixth Principal Meridian, County of Jefferson, State of Colorado;

Thence S 89°42'00" E, 8.97 feet along the south line of the southeast quarter of said Section 11 to the westerly right-of-way line of West 105th Avenue, formerly Haney Drive;

Thence N 14°57'00" E, 216.95 feet, along said westerly right-of-way line to the southeasterly right-of-way line of the Burlington Northern Railroad, formerly the Colorado and Southern Railroad;

Thence N 40°55'00" E, 615.40 feet along said southeasterly right-of-way line to its intersection with the northerly line of West 105th Avenue, projected west from the southwest corner of the west half of Tract 51, Mandalay Gardens, said intersection being the point of beginning;

Thence continuing N 40°55'00" E, 841.49 feet along southeasterly right-of-way line of the Burlington Northern Railroad to the northwesterly corner of the west half of Tract 51;

Thence S 89°48'00" E, 37.40 feet to the northeasterly corner of the west half of Tract 51;

Thence S 00°27'45" W, 638.40 feet to the northerly right-of-way line of West 105th Avenue;

Thence N 89°44'31" W, 583.39 feet along the northerly right-of-way line of West 105th Avenue to the point of beginning, containing 4.55 acres.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 10th day of July, 2000.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 24th day of July, 2000.

ATTEST:

\_\_\_\_\_  
Mayor

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

BAM Zoning



**WESTMINSTER  
COLORADO**

**Agenda Memorandum**

**Date:** July 10, 2000  
**Subject:** Resolution No. 53 re Estates at Wexford Service Commitment Award Extension  
**Prepared by:** Patrick Caldwell, Planner II

**Introduction**

City Council action is requested to adopt the attached Resolution extending the existing Category B-3 Service Commitment Award to the Estates at Wexford multi-family residential project.

**Summary**

Attached is a request from Katrina Plank, Development Officer with the Morgan Group, Inc., developer for the Estates at Wexford (formerly named the Park at Wexford) multi-family residential project, requesting an extension of the Service Commitments the City Council awarded to the project as a result of the 1999 new residential competition. Because the initial 75 Service Commitments will expire in March 2001, and the developer will not be ready to use those 75 by the deadline, a time extension is requested. Unless an extension is granted, the developer will lose 75 of the total 295 Service Commitments awarded and would need to compete in a future competition (if desired) to try to obtain those Service Commitments needed.

The Estates at Wexford Official Development Plan (ODP) is anticipated to be scheduled for Planning Commission consideration in late 2000. Prior to that meeting and the March 29, 2001 Service Commitment expiration, the developer wishes to secure the 75 Service Commitments needed to accommodate the first phase of the proposed development. The attached Resolution reflects the Service Commitments needed for the development and the time extension for the Estates at Wexford as follows:

**Table I**

<b>Revised Service Award Request</b>	<b>Commitment</b>
<u>2001</u>	<u>2002</u>
225	70 (no change)

Completion of the project (and use of the entire, original total of 295 Service Commitments) was originally anticipated by the end of 2002. The end use date has not changed, but the startup time has been delayed by almost two years. The developer's request does not exceed the total amount of 225 Service Commitments that would have accumulated for the project by March 2001. (Please see Table II in the Background section of this report for year-by-year totals of the original award for the Estates at Wexford).

The City's Growth Management Program allows City Council to consider (based on specific criteria) these requests and grant extensions if desired. The criteria are as follows:

1. The need for the extension is the result of some unusual and unforeseeable circumstance reasonably beyond the control of the developer, and
2. The extension is needed to avoid undue or inequitable hardship that would otherwise result if the extension were not granted, and

3. There is no reason to believe that the developer will not be able to proceed with the development of the project within the extended time period.

A brief description and the circumstances leading to the extension request is given in the Background section of this report. Please see the attached map for the project location. The developer plans to attend the July 10, 2000 City Council meeting to answer any questions City Council may have.

### **Policy Issues**

The policy issue is that the first 75 service commitments will expire in March 2001 and an extension of two years is requested. Whether to allow an extension of the first 75 service commitments two years beyond the expiration date until July 2002 is the policy issue for consideration.

### **Staff Recommendation**

Adopt Resolution No. 53 extending the existing Category B-3 Service Commitment award to the Estates at Wexford multi-family project based on a finding that the Estates at Wexford project meets Westminster Municipal Code Section 11-3-2(A) 2 criteria of the City's Growth Management Program.

### **Alternatives**

One option is not to adopt the attached Resolution. Because the initial 75 Service Commitments for this project will expire before the developer is able to receive the initial building permits for the project, the result of this option would reduce the original total of 295 Service Commitments to 220. The developer would not be able to complete the project as shown on the proposed Official Development Plan and would need to compete (if desired) in a future Category B-3 competition for the remaining 75 Service Commitments needed to finish the project. If the Service Commitments are not extended for the project, the developer has stated they will be unable to receive financing for the project. Based on discussions with the developer, if the project is unable to receive financing, the developer would choose to withdraw plans to develop the property.

### **Background**

As part of the new residential competition process within the City's Growth Management Program, Service Commitments awarded to specific projects as a result of the competitive process are subject to a two-year expiration. In the past, there have been instances where developers anticipate a certain schedule, request Service Commitments based on that tentative schedule, but are ultimately unable to meet the expiration deadline. For this reason, the Growth Management Program allows City Council the ability to review extension requests for projects that have been proceeding through the development review process but at a slower rate than originally anticipated. The two-year expiration date was instituted at the request of the development community. This provision is to help ensure that Service Commitments awarded to projects that do not proceed to the City's development review process would be returned to the water supply for future award to another project within a reasonable amount of time.

In 1999, Gene Osborne, The Equinox Group LLC, competed for Service Commitments in the new multi-family competition for a 32.5-acre site north of 123<sup>rd</sup> Avenue, east of Huron Street, east of Bannock Street and west of I-25. The proposed project totaling 590 units complied with the Comprehensive Land Use Plan land use designation and density specification for the site. This project received the highest score of the two Category B-3 projects in the 1999 competition and was awarded 295 Category B-3 Service Commitments needed for the 590 unit project as follows:

**Table II**  
**Estates at Wexford Original Service Commitment Award**

<u>1999</u>	<u>2000</u>	<u>2001</u>	<u>2002</u>	<u>Total</u>
75	75	75	70	<b>295</b>

Following the Service Commitment award, the developer did not proceed to enter the City's development review process. Numerous discussions were held with the City and the developer. In March 2000, one year after award of service commitments, the original developer withdrew their contract on the property. In April, 2000 the Morgan Group Inc. exercised an option to purchase and proceeded to enter the City's Development Review process. A Concept Plan was submitted in April 2000. A number of issues and items have been resolved. A submission for the first Technical Review is anticipated in August 2000. While the Morgan Group wishes to proceed with the project they will be unable to obtain building permits prior to the March 2001 expiration deadline for the initial 75 Service Commitments.

The Morgan Group came to the project late and has worked diligently to resolve a number of large issues in less than three months. They have not benefited from the one year of time since the award of the service commitments in 1999. The Morgan Group has moved forward vigorously to produce the necessary studies drawings, and plans necessary for a full review and hopes to obtain approval of the project in late 2000. If approved on this timeline the Morgan Group does not anticipate obtaining a building permit until the Summer of 2001. Holding to that schedule, the first 75 service commitments will have expired. Thus, there is a request to extend 75 service commitments for two years to July 2002. If the extension is granted, then those 75 extended service commitments will expire in July 2002. Those 75, plus 75 available in 2000 (expire in March 2002), plus 75 available in 2001 (expire in March 2003) would total 225 service commitments potentially available for use in 2001.

If unused by the March 2001 deadline, the developer must forgo those 75 Service Commitments (that would be returned to the water supply figures) and would need to enter a future competition. Because of the time, money and effort the developer has invested to this point, City Staff concurs with the developer that denying the Service Commitment extension request would cause an undue hardship for the developer.

Respectfully submitted,

William M. Christopher  
City Manager

Attachments

RESOLUTION

RESOLUTION NO. **53**

INTRODUCED BY COUNCILLORS

SERIES OF 2001

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CATEGORY B-3 (NEW MULTI-FAMILY RESIDENTIAL) SERVICE COMMITMENT AWARD  
EXTENSION FOR THE ESTATES AT WEXFORD PROJECT

WHEREAS, the City of Westminster has adopted by Ordinance a Growth Management Program for the period 1990 through 2000; and

WHEREAS, within Ordinance No. 2651 there is a provision that Service Commitments for residential projects shall be awarded in Category B-3 (new multi-family) on a competitive basis through criteria adopted periodically by resolution of the City Council and that each development shall be ranked within each standard by the degree to which it meets and exceeds the said criteria; and

WHEREAS, the City's ability to absorb and serve new multi-family development is limited, and the City of Westminster has previously adopted Resolution No. 75, Series of 1998, specifying the various standards for new multi-family projects based upon their relative impact on the health, safety and welfare interests of the community, and has announced to the development community procedures for weighing and ranking projects prior to receiving the competition applications; and

WHEREAS, the City of Westminster City Council has previously awarded 295 Category B-3 Service Commitments for the Estates at Wexford residential project for the site north of 123<sup>rd</sup> Avenue, east of Huron Street, east of Bannock Street and west of I-25 per Resolution No.19, Series 1999; and

WHEREAS, Resolution No. 19, Series 1999 establishes that the first 75 of the total of 295 Service Commitments awarded to the Estates at Wexford residential project shall expire two years after the Service Commitment award date (March 29, 1999) adopted by the Westminster City Council and shall, therefore, expire on March 29, 2001; and

WHEREAS, the developer of the Estates at Wexford residential project has provided a written request for an extension of the initial 75 of the original 295 Category B-3 Service Commitments awarded to the Estates at Wexford residential project by the Westminster City Council on March 29, 1999; and

WHEREAS, Westminster Municipal Code Section 11-3-2 (A) 2 establishes criteria for City Council to consider when reviewing requests for Service Commitment Award extensions for new residential projects that previously received Service Commitment Awards as a result of the City's new residential competition process; and

WHEREAS, the Service Commitment award extension for the Estates at Wexford residential project is the result of an unusual and unforeseeable circumstance reasonable beyond the control of the developer, is needed to avoid undue hardship that would otherwise result if the extension were not granted, and there is no reason to believe that the developer will not be able to proceed with the development of the project within the extended time period; and

WHEREAS, the developer for the Estates at Wexford residential project has proceeded to the City's development review process; and

WHEREAS, a total of 295 multi-family units does not exceed the density requirements within the City's Comprehensive Land Use Plan or the amount of service commitments originally awarded to this project; and

WHEREAS, the goals of the Growth Management Program include balancing growth with the City's ability to provide water and sewer services, preserving the quality of life for the existing Westminster residents, and providing a balance of housing types.

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

1. A Category B-3 Service Commitment award is hereby extended to the Estates at Wexford project proposed for the site north of 123<sup>rd</sup> Avenue, east of Huron Street, east of Bannock Street and west of I-25 listed below as follows:

<b># Service Commitments Per Year</b>			
<b>Project</b>	<b>2001</b>	<b>2002</b>	<b>Total</b>
Estates at Wexford	225	70	295

2. The Service Commitment award to the project listed above is conditional and subject to the following:
  - a) For each project, the applicant must complete and submit proposed development plans to the City for the required development review processes.
  - b) Each Service Commitment award is conditional upon City approval of each project listed above and does not guarantee City approval of any project or proposed density.
  - c) The City of Westminster shall not be required to approve any Preliminary Development Plan, Official Development Plan, or rezoning action necessary for development of property involved in this Category B-3 award nor shall any other binding effect be interpreted or construed to occur in the City as a part of the Category B-3 award.
  - d) The Growth Management Program does not permit City Staff to review any new residential development plans until Service Commitments have been awarded to the project. The City Staff during the competition process does not review the sketch plans submitted by applicants. Significant changes to the sketch plan are probable once the City's development review process begins for any project.
  - e) Any and all projects that do not receive City approval are not entitled to the Service Commitment awards, and the Service Commitments shall be returned to the water supply figures.
  - f) The Service Commitment award for the project listed above, if approved by the City, may only be used within the project specified above.
  - g) This Service Commitment award shall be subject to all of the provisions specified in the Growth Management Program within Chapter 3 of Title XI of the Westminster Municipal Code.
  - h) The Category B-3 Service Commitment awards shall be valid for a period of two years from the date of award specified on this Resolution (July 10, 2000) provided the applicant proceeds with the development review process and the project is approved by the City. The Service Commitment award for any project shall expire unless at least one building permit is



issued for the project during that two-year period. Future year awards are effective as of January 1 of the specified year.

- i) If Service Commitments are allowed to expire, or if the applicant chooses not to pursue the development, the Service Commitment award shall be returned to the water supply figures. The award recipient shall lose all entitlement to the Service Commitment award under those conditions.
  - j) All minimum requirements and all incentive items indicated by the applicant as specified within the competition shall be included as part of the proposed development and listed on the Official Development Plan for the project.
3. Service Commitments for Category B-3 projects may be requested prior to their effective award year by developers or builders under the following conditions and stipulations:
- a) In order to draw from a future year Service Commitment award, an “accelerated development surcharge” per Service Commitment shall apply.
  - b) The surcharge receipts will be added to the City’s Utility Fund.
  - c) The surcharge shall be as follows:  
  
Service Commitments requested from the next award year:  
\$1,275.00 per Service Commitment  
  
Service Commitments requested from two award years in the future:  
\$2,550.00 per Service Commitment  
  
Service Commitments requested from three or more award years in the future:  
\$3,800.00 per Service Commitment
  - d) An award from a future year may be requested in writing by the developer or builder. The written request shall be submitted to the City Water Resources Division, and the request is subject to City Staff review and approval. The additional surcharge shall be paid when water tap fees are paid for the units.
  - e) Service Commitments drawn prior to their effective date of award shall have the same expiration date as if the Service Commitments were not drawn prior to the effective date of award.
4. The Category B-3 Service Commitment award shall be reviewed and updated each year. If it is shown that additional or fewer Service Commitments are needed in the year specified, the City reserves the right to make the necessary modifications. If fewer Service Commitments are needed in any given year, the unused amount in that year will be carried over in to the following year provided the Service Commitments have not expired as specified above.

Passed and adopted this 10<sup>th</sup> day of July, 2000.

ATTEST:

\_\_\_\_\_  
Mayor Pro Tem

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



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

**Date:** July 10, 2000  
**Subject:** IGA on Funding of Water Quality Settlement with Black Hawk and Central City  
**Prepared by:** Michael Happe, Senior Water Resources Engineer

**Introduction**

City Council action is requested to authorize the City Manager to execute an Intergovernmental Agreement (“IGA”) among the Cities of Northglenn and Thornton and an Agreement with the Farmers Reservoir and Irrigation Company (“FRICO”) and the Coors Brewing Company (“Coors”) regarding the funding of a settlement with Central City and Black Hawk over water quality issues in Clear Creek. Funds are available in the Water Resources and Treatment Operating Budget.

**Summary**

As previously reported to City Council, a settlement was reached with Black Hawk and Central City on water quality issues associated with a water right application filed by the upstream gaming communities. The water right application allows Black Hawk and Central City to take water belonging to downstream users from Clear Creek and replace it with treated wastewater. Westminster, Thornton and other downstream water users were very concerned with the impact of this plan on the potential water quality in Clear Creek and Standley Lake. A trial was set to determine if the Water Court would permit this proposal. Settlement discussions were held and a resolution reached whereby the upstream communities of Black Hawk and Central City agreed to significantly upgrade their treatment technology to improve the quality of their treated sewage discharged into Clear Creek. Black Hawk and Central City will pay \$1M of the cost for these upgrades and the downstream water users agreed to seek funding for \$500,000 of the costs. FRICO has agreed to pay \$100,000 and Coors has agreed to pay \$50,000 of the \$500,000 downstream obligation. The remaining \$350,000 is proposed to be split between the Standley Lake Cities as follows: Northglenn \$70,000; Thornton \$122,500; and Westminster \$157,500. This split is in accordance with an existing Intergovernmental Agreement regarding cost sharing of water quality related expenses for the protection of Standley Lake. Staff believes that this settlement is beneficial to the City in that it protects Standley Lake water quality and that the City would have likely spent well over \$157,500 in litigating this issue in the State Water Court with the risk of an adverse ruling.

**Policy Issue**

Should Westminster pay for improvements to upstream water users’ facilities in order to protect the water quality of its system and Standley Lake?

**Staff Recommendation**

Authorize the City Manager to execute an Intergovernmental Agreement with the Cities of Northglenn and Thornton, the Farmers Reservoir and Irrigation Company, and the Coors Brewing Company regarding settlement of water quality issues with Black Hawk and Central City, pay up to \$157,500 into an escrow fund established pursuant to the IGA, and charge the expense to the appropriate account in the Water Resources and Treatment Operating Budget.

## **Background Information**

In order to provide a water supply for the growth generated by limited stakes gambling, the Cities of Black Hawk and Central City filed water right applications in the State Water Court that would give them the right to use clean water belonging to downstream water users and replace it with treated wastewater discharged to the stream from their joint wastewater treatment plant. This plan was of great concern to Standley Lake water users Thornton and Westminster because of the potential impact on the quality of water in Clear Creek and Standley Lake. Westminster and Thornton were preparing to strongly oppose this plan in Water Court and had retained experts in water quality and public health issues to provide expert testimony.

In order to try and avoid a lengthy trial, staff from Thornton and Westminster entered into negotiations with Black Hawk and Central City to see if a settlement could be reached. In late 1999, a Memorandum of Understanding was signed which laid out the framework for the settlement. Black Hawk and Central City would agree to build a new wastewater treatment plant that would include significantly better treatment technology than their current plant. The cost of this basic plant with better technology would be paid by the gaming cities. In addition to the improved basic treatment, the settlement calls for additional advanced wastewater treatment technology that will further improve the quality of effluent. The cost for this additional technology is estimated to cost \$1.5M. Black Hawk and Central City will fund the first \$1M of this and the downstream water users are to fund \$500,000.

The Cities of Thornton and Westminster lobbied other downstream water users to pay a portion of the \$500,000 obligation. Coors agreed to contribute \$50,000 and FRICO agreed to contribute \$100,000 leaving \$350,000 to be funded by the Standley Lake Cities. Pursuant to an existing Intergovernmental Agreement between Northglenn, Thornton and Westminster, water quality protection related costs (such as sampling and testing of the Standley Lake and Clear Creek) are split 20% by Northglenn, 35% by Thornton and 45% by Westminster, based on the relative volume of water owned by each entity. This was used as the basis in the proposed Intergovernmental Agreement for Northglenn to contribute \$70,000, Thornton \$122,500 and Westminster \$157,500 of the downstream users obligation.

Westminster Staff believes this settlement is beneficial to Westminster in that it provides substantial protection to the water quality of Clear Creek and Standley Lake and avoids what was anticipated to be a very lengthy and expensive trial. It was estimated that the trial would last well over 30 days and cost Westminster more than \$250,000 in legal and expert fees. Additionally, the settlement avoids the risk of an adverse ruling from the Water Court.

This settlement IGA has been a part of a broader range of water quality issues raised by the Westminster Staff with Thornton and Northglenn. In a recent meeting of the Westminster and Thornton City Managers and Staff members, the Thornton City Manager committed Thornton to address and resolving other Standley Lake water quality issues with Westminster, including the Church Ditch Water Quality Protection Project and other related water quality improvements impacting Standley Lake.

## **Alternative**

City Council could decline to accept this IGA and Westminster could choose to litigate this issue with Black Hawk and Central City. Staff believes that this litigation would cost well in excess of the proposed settlement and the City would undertake substantial risk of an adverse ruling by the Water Court. It is possible that if Westminster declined to participate, that Thornton or others would pick up Westminster's contribution to the settlement.

Respectfully submitted,

William M. Christopher, City Manager



**WESTMINSTER**  
**COLORADO**

### Agenda Memorandum

**Date:** July 10, 2000

**Subject:** Amendment to Existing Thornton and Westminster North I-25 IGA

**Prepared by:** John F. Carpenter, Director of Community Development

### Introduction

City Council action is requested on the proposed amendment to the existing Thornton/Westminster North I-25 Intergovernmental Agreement.

### Summary

This Intergovernmental Agreement (IGA) supercedes the IGA entered into on January 13, 1986, and as amended on May 28, 1986. The IGA provisions are substantially the same except for the following changes:

- The corridor area boundary has been changed to 150<sup>th</sup> Avenue (extended) on the north and 132<sup>nd</sup> Avenue (extended) on the south. Previously, the boundary extended north to 168<sup>th</sup> Avenue including an area subsequently annexed to the City of Broomfield. The other boundaries are Huron Street and Washington Street.
- Auto use tax and “earmarked” sales/use tax taxes created by a vote of the people have been eliminated from revenue sharing.
- Property tax levies for special, metropolitan and/or general improvement districts have been eliminated from revenue sharing.
- Tax receipts that are to be shared will be distributed by March 31<sup>st</sup> of each year.
- A maximum of 50% of the sales, use and property tax revenues from new businesses (development incentive) may be excluded from revenue sharing for a period not to exceed five years.
- Development fees and/or infrastructure fees are not subject to revenue sharing.
- Each city may reduce the taxes subject to revenue sharing by a proportionate amount if taxes must be rebated under TABOR.

The Thornton City Council will be considering the IGA on July 10<sup>th</sup>.

### Policy Issues

Does the City Council want to amend the IGA as described in the Summary which reduces the overall area available in which to share revenues and further spell out which revenues are to be shared?

### **Staff Recommendation**

Authorize the Mayor to execute the amended Intergovernmental Agreement with the City of Thornton regarding the Interstate 25 Growth Corridor.

### **Alternatives**

- Do not amend the Agreement.
- Selectively amend the Agreement, but not include all of the proposed changes.

### **Background**

In January 1986, the City Council approved an Intergovernmental Agreement (IGA) between the City of Thornton and the City of Westminster regarding the Interstate 25 Corridor area. The IGA established the geographical boundaries of the area as: 168<sup>th</sup> Avenue on the north, Washington Street on the east, 136<sup>th</sup> Avenue from Washington Street to I-25 approximately 130<sup>th</sup> Avenue from I-25 west to Huron Street on the south and Huron Street on the west. Subsequent to the IGA, the City of Broomfield annexed property on the west side of I-25 south to 150<sup>th</sup> Avenue. The southern boundary has been changed to 132<sup>nd</sup> Avenue (extended) to include the property that borders 136<sup>th</sup> Avenue that is expected to develop in conjunction with construction of an interchange at this location on I-25.

The other changes to the IGA clarify what revenues are subject to revenue sharing within the Corridor Area and will ease the administration of the revenue sharing between the two cities.

Respectfully submitted,

William M. Christopher  
City Manager

Attachments

## EXHIBIT A

### INTERSTATE 25 CORRIDOR GROWTH AREA INTERGOVERNMENTAL AGREEMENT

THIS INTERGOVERNMENTAL AGREEMENT (the "Agreement") is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2000 by and between the City of Thornton, a Colorado home rule municipality, hereafter referred to as "Thornton", and the City of Westminster, a Colorado home rule municipality, hereafter referred to as "Westminster"; individually, a "city"; together, the cities".

WHEREAS, Thornton and Westminster entered into an Intergovernmental Agreement regarding the Interstate 25 growth corridor on January 13, 1986 which was amended on May 28, 1986 ("Agreement"); and

WHEREAS, due to changes that have occurred since May 28, 1986, the provisions of that Agreement no longer reflect the conditions upon which said Agreement was premised; and

WHEREAS, the City Councils of Thornton and Westminster find that:

1. Interstate 25 forms a natural boundary between the two cities and their northern growth areas located on either side of the highway.

2. Growth and its associated demands for municipal services will occur in the areas lying immediately adjacent to Interstate 25, generally between Huron Street on the west and Washington Street on the east.

3. Each city has a commitment to planned and orderly growth; to regulating the location of activities and development which may result in increased demands for its services; to providing for the orderly development and extension of city services, facilities, and regulations; to avoiding unnecessary duplication of governmental services; to simplifying governmental structure where possible; to accomplishing quality development; to reducing and avoiding, where possible, friction between the cities; to promoting the economic viability of their respective communities; and to raising revenue sufficient to meet the needs of their citizens

4. Because of the proximity of the cities' interstate corridor growth areas, the nature and quality of development within each city and northward along Interstate 25 will affect the nature and quality of development in the other and the revenues of each.

5. Increased coordination and cooperation between the cities, as represented in this Agreement, in planning for and regulating growth and the development of land within the current and future boundaries of the cities along Interstate 25, and in the extension of the cities' municipal services, will enhance the ability of the cities to achieve their respective and common goals.

6. The people of the State of Colorado have authorized the cities to exercise the powers and to cooperate and contract in the matters set out in this Agreement through the Colorado Constitution, Article XIV, Section 18 (2) (a), Article XX, and Article XI, Section 7

7. The General Assembly of the State of Colorado has authorized and encouraged the cities to exercise the powers and to cooperate and contract in the matters set out in this Agreement through the enactment of State statutes including, but not limited to: C.R.S. (1977 Repl. Vol.), as amended, Section 29-20-101, et seq., and particularly Section 29-20-105 and Section 29-20-106; Section 29-1-201, et seq., and particularly Section 29-1 -201 and Section

29-1-203; Section 31-12-101, et seq.; Parts 2 and 3 of Article 23 of title 31; Section 31-15-708; Section 31-15-710; and Part 4 of Article 35 of Title 31.

8. This Intergovernmental Agreement is entered into pursuant to the authority granted by the General Assembly and the people of the State of Colorado, as described above, and the subject matter and agreements contained herein are logical and foreseeable results of the State's enactment of the foregoing statutes and Constitutional provisions.

9. Each city has outstanding bonds, notes, certificates, debentures, or other evidences of borrowing, with a first and prior lien on revenues generated by each City's respective taxes.

10. The City of Thornton has prepared and adopted a Comprehensive Land Use Plan for incorporated and unincorporated areas within the Corridor Area.

11. The City of Westminster has prepared and adopted a Comprehensive Land Use Plan for the incorporated areas within the Corridor Area and is in the process of annexing the remaining unincorporated areas which will be included within the Comprehensive Land Use Plan upon annexation.

WHEREAS, in view of the foregoing findings of the City Councils of Thornton and Westminster, it is appropriate that this Agreement be entered into.

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein, it is agreed by and between the Cities as follows:

1. This Agreement supersedes the "Intergovernmental Agreement" between the Cities, dated May 28, 1986 which is without further effect.

2. Corridor Area. The area referenced in this Agreement as Exhibit 1 is hereafter referred to as the Interstate 25 corridor growth area (or "Corridor Area") and is bounded as follows:

- On the north by the centerline of 150<sup>th</sup> Avenue extended;
- On the east by the centerline of Washington Street;
- On the south by the centerline of 132<sup>nd</sup> Avenue extended;
- On the west by the centerline of Huron Street.

The Corridor Area is shown on Exhibit 1 attached hereto. The Rolling Hills subdivision in Thornton and the Thorncreek Golf Course area, which are located within the Corridor Area, are specifically excluded from the provisions of this Intergovernmental Agreement.

3. Joint Development Plan.

a. Thornton and Westminster agree to jointly prepare and to adopt a plan (the "Plan") for the development of land consistent with each city's adopted Comprehensive Plan within the Corridor Area. The Plan will be maintained and updated by both cities, as needed. The Plan shall include provisions for the following within the Corridor Area:

- (1) The location, size, nature, phasing, and other limitations of, the uses of land. Single Family Detached residential zoning or uses will not be permitted within the geographical area described on Exhibit 1 except for those single family detached homes existing at the date of this Agreement;

(2) The location of interchanges, overpasses, and east-west arterial streets; and the design, construction, maintenance, and financing thereof if not provided by other Intergovernmental Agreements;

(3) Mass transportation facilities and services and the reservation of rights-of-way for future mass transit construction.

(4) A drainage master plan for that portion of Big Dry Creek and its tributaries which runs through the Corridor Area, including the planning, design, construction, maintenance, and financing of drainage improvements and facilities;

(5) Development and maintenance of appropriate parks, recreation services, and open space; and

(6) Landscaping and maintenance of rights-of-way along each side of Interstate 25.

b. In preparing, maintaining and updating the Plan, Thornton and Westminster will consult with other entities where appropriate or necessary, including, but not limited to, Adams County, the Regional Transportation District, the Urban Drainage and Flood Control District, and the Denver Regional Council of Governments.

c. No development proposal shall be approved by either city which is not consistent with the provisions of each city's adopted Comprehensive Plan, or the Plan without the prior written consent of the City Council of each City, which approval shall not be unreasonably withheld. Plans and specifications for any development proposal on land located in the subject area received by a party after the effective date of this Agreement shall, no later than twenty (20) calendar days prior to the party taking action thereon, be forwarded to the other party for review and comment, provided, however, that the parties may mutually agree to a shorter or longer referral and review period.

4. Annexation and Service Extensions. Thornton agrees to exercise its annexation powers and provide its services solely within that portion of the subject area lying to the east of the centerline of I-25. Westminster agrees to exercise its annexation powers and provide its services solely within that portion of the subject area lying to the west of the centerline of I-25.

5. Water and Sewer Service in Corridor Area. Thornton shall provide water and sewer services east of I-25 and Westminster shall provide water and sewer services west of I-25.

6. Rights-of-Way. Within their respective jurisdictions in the Corridor Area, each city shall provide the other utility easements and rights-of-way, without charge if previously granted to the providing party, which are required to make water and sewer service available within their respective jurisdictions, and rights-of-way for necessary storm drainage improvements. The requesting party shall submit its engineering design plans for water, sewer and/or drainage improvements within the providing party's jurisdiction for review and approval by the providing party's City Engineer.

7. Reserve Fund. Each city may annually appropriate an equal amount to be agreed upon by the City Council of each city, to a reserve fund to be administered by the City Managers of the respective cities. The reserve fund shall be used to fund joint efforts, studies, and other related cooperative activities between the two cities as both may agree upon. Until such reserve is active, each party agrees to jointly fund such activities as both deem necessary within each city budget.



8. Revenue Sharing.

a. Implementation. The cities understand that the implementation of this Agreement and the achievement of its purposes, including planning for and regulating the use of land and the provision of municipal services, facilities, rights-of-way, and other requirements within the Corridor Area, will require the expenditure of revenues by each city. In light of the foregoing, the cities agree that the following revenues will be shared between the cities for their respective uses to include, but not be limited to, implementation of this Agreement and the provision of services within the subject area:

(1) Sales and Use Tax Revenues. Sales and use tax revenues collected by each city within the Corridor Area, excluding auto use tax, shall be distributed between the cities as follows: The city in which the tax is collected shall retain one-third of the tax receipts from this tax and the remaining two-thirds of the tax receipts from this tax shall be distributed between the cities in accordance with the following formula: Thornton's percentage share of the remaining two-thirds of the sales and use tax revenue shall be obtained by dividing Thornton's rate for this tax by the sum of the Thornton and Westminster rates for this tax, multiplied by one hundred; Westminster's percentage share of the remaining two-thirds of the sales and use tax combined revenue shall be one hundred percent (100%) less Thornton's share as previously calculated. The portion of the sales and use tax of either city earmarked for special purposes by a vote of the people shall not be included in the revenue sharing calculation.

(2) Property Tax Revenues. All property tax revenue collected for each city within the Corridor Area, except for property taxes levied for a special purpose such as special improvement, general improvement, business improvement, metropolitan district, open space, and/or debt service by a vote of the people which shall not be included in the revenue sharing calculation, shall be distributed between the cities in accordance with the following formula: Thornton's percentage share of the combined property tax revenue shall be obtained by dividing Thornton's mill levy by the sum of Thornton's and Westminster's mill levies, multiplied by one hundred; Westminster's percentage share of the combined property tax revenue shall be one hundred percent (100%) less Thornton's percentage share as calculated above.. In the event that one city zones the land so as to prohibit nonresidential development, then the property tax sharing provisions of this Agreement for that land will not apply.

(3) Taxable Transactions Base. If at any time one city adds items to the list of nontaxable transactions, commodities and services for which the other city's share of lost revenues in the previous year would account for five (5) percent or more of the other city's total sales and use tax revenues, an equitable adjustment to the sharing formula contained within this Agreement shall be made to remedy such disparity.

(4) Initial Calculation of Revenues. The cities will start the calculation for the distribution of all revenues stated above in 8(a) 1-4 only after the issuance of the first commercial building permit by either city within the Corridor Area after approval of this Agreement.

(5) Revenue Sharing Calculation. To determine the amount of sales and use tax revenues and property tax revenues that will be subject to revenue sharing, the gross revenues of each of these two categories will be reduced or

adjusted by the following within their respective revenue categories: (1) the TABOR rebate amount per Paragraph 8(b)(4); (2) the Business Assistance/Incentive Agreement amount per Paragraph 8(e); and (3) the Taxable Transactions Base adjustment per Paragraph 8(a)(3). The remaining revenues in each category shall be calculated in accordance with Paragraphs 8(a)(1) and 8(a)(2).

b. Tax Distributions. All tax revenues subject to sharing pursuant to this Agreement shall be distributed as follows:

(1) Annual statements showing calendar year total receipts of each applicable tax revenue subject to sharing, collected within each city's respective portion of the Corridor Area as set forth in paragraph 8(a) above, and the tax revenue amount to be shared with the other city shall be forwarded to the other city's Finance Department by March 31<sup>st</sup> of the subsequent calendar year unless as otherwise agreed to by the cities. For the purposes of this Agreement, the year is assumed to end on December 31.

(2) The city with the greater aggregate sum of such tax receipts to be shared (the "owing city") shall make payment to the city with the lesser aggregate sum of such tax receipts to be shared (the "receiving city") by April 30<sup>th</sup> of the subsequent year.

(3) The cities agree that no revenues are due under the original Intergovernmental Agreement dated January 13, 1986, and the amended Intergovernmental Agreement dated May 28, 1986.

(4) In the event that either city is required to rebate tax receipts pursuant to Section 20, Article X of the Colorado Constitution, each city may reduce the tax revenues subject to revenue sharing pursuant to this Agreement in an amount proportionate to the amount of rebate attributed to the tax receipts that created the rebate (sales and use tax, property tax) from the Corridor Area to the total tax receipts of the city for those same taxes. The other city may reduce the tax revenues subject to revenue sharing by the same amount. Each city shall notify the other of the amount and type of tax revenues that will not be subject to revenue sharing by January 1 of each year.

(5) Except as provided in Section 8(f), nothing herein shall prohibit the cities from pledging the tax revenues received by each city pursuant to this Agreement to finance the construction of any interchanges within the Corridor Area.

c. Standardize Procedures. Each city shall make every reasonable effort to standardize with the other city the procedures, ordinances, and regulations applicable to the taxes to be shared pursuant to this Agreement.

d. Audit. Each city and its authorized agents may, upon thirty (30) days advance written notice to the other, audit the other's records of those taxes which are collected within the Corridor Area and which are to be shared pursuant to this Agreement.

e. Rights. Neither city shall impair the rights of the other city to share in the tax revenues set forth in this Agreement. A maximum of fifty percent (50%) of the sales, use tax and property tax revenues from a new business located within the Corridor Area subject to sharing under the terms of this Agreement may be shared, abated, waived, or rebated as part of an agreement or business incentive or assistance

agreement for a period not to exceed five (5) years. Revenues shared, abated, waived or rebated pursuant to these types of agreements shall not be included in determining the total tax receipts of the city for purposes of determining the revenue sharing amount. Development fees and infrastructure reimbursement fees are not subject to revenue sharing pursuant to this Agreement.

f. Bond Pledge. Notwithstanding anything herein to the contrary, the obligations of Thornton and Westminster hereunder shall be subject to and subordinate to Thornton's and Westminster's respective obligations, covenants, and representations contained in or incorporated in any ordinance, resolution, indenture, underwriting agreement or other document pertaining to the authorization, issuance, payment, or sale of any bonds, notes, certificates, debentures, or other evidences of borrowing (except as may be specifically provided otherwise in any such document), whether now, heretofore, or hereafter executed, issued, or incurred, the intent being that such obligations, covenants, and representations have and will take precedence over those set forth herein, and will be met, complied with, satisfied, and discharged in accordance with such documents prior to any distribution of monies hereunder.

g. Interest. There shall be no interest accrual or payment obligation on tax revenues collected by one city and subject to sharing with the other city under the terms of this Agreement.

9. Parties to Exercise Good Faith. Thornton and Westminster agree to devote their best efforts and to exercise good faith in implementing the provisions of this Agreement.

10. Intent of Agreement. This Agreement is intended to describe rights and responsibilities only as between the named parties hereto. It is not intended to and shall not be deemed to confer rights to any persons or entities not named as parties hereto nor to require Thornton or Westminster to annex any property or to provide any services to any land. This Agreement is not intended to limit in any way the powers or responsibilities of Adams County or of any other political subdivision of the State of Colorado not a party hereto.

11. Remedies for Default. Should any party fail to comply with the provisions of this Agreement, the other party, after providing written notification to the non-complying party and upon the failure of said party to achieve compliance within ninety (90) days after said notice, may at its option either terminate this Agreement or maintain an action in a court of competent jurisdiction for specific performance, injunctive, or other appropriate relief, excluding damages relief. In the event of such litigation, each party shall be responsible for its own costs, including attorney fees.

12. Effective Date. This Agreement shall become effective on the 10th day of July 2000.

13. Termination. This Agreement shall terminate on February 1, 2026, unless the cities mutually agree in writing to terminate it sooner, or it is terminated by one city pursuant to Section 11.

14. Amendment. This Agreement is the entire and only agreement between the cities regarding the Corridor Area and the sharing of certain tax revenues generated therein; there are no promises, terms, conditions, or obligations other than those contained herein. The cities agree to execute any additional documents or take any additional action that is necessary to carry out this Agreement. This Agreement may be amended only by an instrument in writing signed by the cities. If any other provisions shall be affected by such holding, all of the remaining provisions of this Agreement shall continue in full force and effect.

15. Effect of Invalidity. If any portion of paragraph 3(a) 1, 3(a)2, 3(c), 8(a), 8(b), 8(f), 9, 10, 11, 12, 13, or 14 of this Agreement is held invalid or unenforceable by a court of

competent jurisdiction as to either party or as to both parties, such invalidity or unenforceability shall cause the entire Agreement to be terminated. If any portion of any other paragraph of this Agreement is held invalid or unenforceable by a court of competent jurisdiction as to either party or as to both parties, such invalidity or unenforceability shall not affect the other paragraph(s) of this Agreement except that, if a requirement or limitation in such paragraph(s) is declared invalid as to one party any corresponding requirement or limitation shall be deemed invalid as to the other party.

IN WITNESS WHEREOF, the above parties hereto have caused this Agreement to be executed.

CITY OF THORNTON

By: \_\_\_\_\_  
Noel I. Busck, Mayor

ATTEST:

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

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

CITY OF WESTMINSTER

By: \_\_\_\_\_  
Sam Dixon, Mayor Pro Tem

ATTEST:

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

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney



### WESTMINSTER COLORADO

#### Agenda Memorandum

**Date:** July 10, 2000

**Subject:** IGA with the City of Thornton re Relocation of United Power Substation

**Prepared by:** Dan Blankenship, Senior Civil Engineer

#### Introduction

City Council action is requested to authorize the Mayor to execute the attached Intergovernmental Agreement (IGA) with the City of Thornton regarding funding and contract administration for the relocation of the existing United Power electric substation located in the southwest quadrant of the proposed 136<sup>th</sup> Avenue interchange on I-25. The total cost to relocate the substation is about \$500,000, it is anticipated that funds for the City's share of the relocation will be available from the proceeds from the proposed interchange bond issue.

#### Summary

In 1999, the Cities of Westminster and Thornton executed an IGA for the environmental assessment (EA) and design of the 136<sup>th</sup> Avenue and I-25 interchange. As part of the EA and preliminary design, the interchange team (Westminster and Thornton Staff and the interchange consultant) began coordination with United Power, which owns and operates an electric substation in the southwest quadrant of the interchange. The coordination with United Power is necessary because the substation will need to be relocated to construct the interchange. United Power representatives have expressed a willingness to work with the two Cities in relocating their substation within the project's proposed schedule but United Power has asked for financial assistance to relocate. Because the relocation of the substation is such a critical part of the interchange and at this time there is no means to provide for the relocation, the attached IGA was drafted to formalize the administration process and funding for the relocation. If this IGA is not approved, the substation relocation will more than likely not proceed within the interchange project schedule.

The key elements of the IGA include the following:

- The City of Westminster will negotiate, execute and administer the relocation agreement with United Power.
- The Cities will equally share in the relocation costs, which are likely to include demolition of the existing substation and acquisition of the existing site for the interchange right-of-way, acquisition of the new substation site, design and construction of a like substation and site improvements at the new site (all costs will be subject to the yet to be negotiated agreement with United Power).
- The relocation agreement with United Power may be terminated on or before December 1, 2000, if either City determines that there is not sufficient funding available to construct the interchange.
- Upon execution of the relocation agreement, the City of Thornton will deposit their share (half) of the relocation costs with the City of Westminster and the City of Westminster will make payment to United Power in accordance with the relocation agreement.

### **Staff Recommendation**

Authorize the Mayor to execute an Intergovernmental Agreement with the City of Thornton regarding funding and contract administration for the relocation of the existing United Power electric substation located in the southwest quadrant of the proposed 136<sup>th</sup> Avenue interchange on I-25.

### **Background**

The City Council is aware of the exhaustive effort that was exerted during 1998 to identify the location of the next new interchange on I-25 to the north of 120<sup>th</sup> Avenue. The Cities of Westminster, Thornton and Broomfield - each initially favoring different interchange locations – were eventually able to unanimously endorse the 136<sup>th</sup> Avenue site only after dozens of intense meetings between City officials, residents and other interested parties. While the 136<sup>th</sup> Avenue location was not the original first choice of the City of Westminster, the subsequent annexation of the Foster property in this vicinity has helped to make this compromise selection more viable.

The 136<sup>th</sup> Avenue interchange site selection was documented in the System and Project Level Feasibility Study and Interchange Management Plan, which were approved by the Colorado Department of Transportation. In order to gain approval for the construction of this interchange, the cities of Westminster and Thornton executed an IGA that provided for the required environmental assessment and design of the proposed improvements.

As part of the EA and preliminary design, the interchange team (Westminster and Thornton Staff and the interchange consultant) began coordination with United Power, which owns and operates an electric substation in the southwest quadrant of the interchange. The substation will need to be relocated to construct the interchange. In the initial meetings with United Power, they indicated that they were eventually going to relocate and upgrade the substation but they had no eminent plans. Through continued coordination, United Power expressed a willingness to work with the two Cities in relocating the substation within the project's proposed schedule, which would require the substation to be relocated by July 1, 2002. However, since United Power had not planned to relocate so soon, company representatives have asked for financial assistance of approximately \$500,000 to relocate the substation. At this time there is no means to provide for the relocation, so the attached IGA was drafted to formalize the administration process and funding. Upon execution of the IGA, Westminster staff would proceed with the negotiation of a relocation agreement with United Power in accordance with the IGA.

In the interim, the interchange team has proceeded to assist United Power in finding a relocation site at the southwest quadrant of Washington Street and E-470, which is located in the City of Thornton. As part of the IGA, Thornton agrees to assign a senior level staff member to assist United Power through their site development process in a timely manner.

Respectfully submitted,

William M. Christopher  
City Manager

Attachments

**INTERGOVERNMENTAL AGREEMENT**  
**BETWEEN THE CITY OF THORNTON AND THE CITY OF WESTMINSTER**  
**FOR THE RELOCATION OF THE UNITED POWER SUBSTATION**

THIS INTERGOVERNMENTAL AGREEMENT ("Agreement") is made and entered into this \_\_\_ day of July, 2000, by and between the City of Thornton, a home rule municipal corporation ("Thornton") and the City of Westminster a home rule municipal corporation ("Westminster") or collectively referred as the ("Cities").

WITNESSETH

WHEREAS, the Cities plan to construct an interchange at 136<sup>th</sup> Avenue and Interstate 25 which will require the relocation of a United Power Incorporated substation currently located on the southwest corner of the proposed interchange in Westminster to another site; and

WHEREAS, United Power Incorporated ("United Power") desires to relocate the substation to a site adjacent to North Washington Street at approximately 156<sup>th</sup> Avenue in Thornton (the "site"); and

WHEREAS, Thornton and Westminster desire to set forth the cost sharing arrangement between the Cities as it relates to jointly funding certain costs associated with the relocation of the substation ("the Project").

NOW THEREFORE in consideration of the promises and conditions contained herein the Cities hereto agree as follows:

**1. ADMINISTRATION**

- A. Westminster and United Power shall enter into an agreement for the relocation of the substation (the "Relocation Contract") that sets forth among other things, the costs (Project Costs) specifically associated with the relocation of the substation to the site. Such Project Costs shall specifically include the cost to remove the existing substation, the cost to acquire the original site for interchange right-of-way and to acquire the new relocation site, design and construct the new substation, landscaping and screening of the site as required by Thornton. Such costs may include upsizing or betterments to the existing substation and appurtenances to increase its capacity or otherwise increase the area served by the substation, however the costs associated with any upsizing or betterments shall be the sole responsibility of United Power and shall not be shared by the Cities pursuant to Paragraph 2. -
- B. The Relocation Contract shall provide that Westminster may terminate the Relocation Contract on or before December 1, 2000 if either city determines that they do not have sufficient financial resources to pay for the construction of the 136<sup>th</sup> Avenue/Interstate 25 Interchange. In the event of such termination, Project Costs incurred up to and including December 1, 2000 shall be shared pursuant to Paragraph 2 herein. The Relocation Contract shall provide that the relocation to the site shall be completed no later than July 1, 2002. It is anticipated that costs for relocation may be incurred prior to December 1, 2000 but it is recognized that the Cities will strive to minimize these costs prior to funding being secured to construct the interchange. In the event that funding is not secured by one or both Cities this Agreement will terminate and no further expenditures will be made under this Agreement. All unexpended funds on deposit with Westminster will be returned to Thornton.
- C. Thornton and Westminster shall each designate a Project Manager who shall approve the costs to be reimbursed to United Power for the Project on behalf of each City prior to performance of each aspect of the Project. Each Project Manager shall have the discretion to approve costs for each aspect of the Project on behalf of their respective City ("Project Managers").



- D. The Project Costs and timing detailed in this agreement may be amended by a written letter executed by both City Managers should it become necessary in order to bring about the timely relocation of the substation.
- E. Thornton hereby acknowledges that the timely processing and approval of the United Power site development plan is in the best interests of the Cities and the interchange project. Therefore Thornton agrees to assign a senior level staff member to act as a case manager for the United Power development process. The case manager shall insure that all efforts are made to process the site development application in as timely a manner as allowed by the Thornton City Code and Statutory requirements.

**2. PROJECT FUNDING**

- A. The Cities equally share all of the Project costs subject to Sections 1 and 3 herein.
- B. The Cities acknowledge that each City is authorized to pay its portion of the approved Project costs only upon full appropriation of contract funds.
- C. Upon execution of the Relocation Contract, Thornton shall deposit with Westminster its share of the Project Costs. Westminster will supply Thornton an accounting of all expenditures upon request.
- D. The Parties acknowledge and agree that Thornton is not in privity of contract with the Relocation Contract. Further the Parties acknowledge that United Power Incorporated is not a third party beneficiary of this Agreement.

**3. TERM**

This Agreement terminates upon notification pursuant to paragraph 1 (B) or completion of the Project unless otherwise agreed upon by the Cities, whichever is sooner.

**4. NOTICE**

Any notice required by this Agreement shall be in writing and shall be deemed to have been sufficiently given for all purposes if sent by certified mail or registered mail, postage and fees prepaid, addressed to the party to whom such notice is to be given at the address set forth below, or at such other address as has been previously furnished in writing, to the other party or Cities. Such notice shall be deemed to have been given when deposited in the United States Mail.

City of Thornton  
Jack Ethredge, City Manager  
9500 Civic Center Drive  
Thornton, CO 80229

City of Westminster  
Bill Christopher, City Manager  
4800 West 92nd Avenue  
Westminster, CO 80030-6399

United Power, Inc.  
General Manager  
18551 East 160<sup>th</sup> Avenue  
Brighton, CO 80601

**5. LITIGATION**

Each Party hereto shall be responsible for any suits demands, costs or actions at law resulting from its own acts or omissions.

**6. INTEGRATION AND AMENDMENT**

This Agreement represents the entire Agreement between the Cities and there are no oral or collateral agreements or understandings. This Agreement may be amended only by an instrument in writing signed by the Cities.

**7. TERMINATION OF AGREEMENT**

This Agreement may be terminated in writing by either of the Cities, but only if there are no contingent, outstanding contracts. If there are contingent, outstanding contracts, this Agreement may only be terminated upon mutual agreement of all Cities and only upon the cancellation of all contingent, outstanding contracts, or portion thereof. All costs associated with the cancellation, of the contingent contracts, e.g. the Consultant's contract or portion thereof, shall be paid equally by the Cities.

**8. VENUE**

This Agreement shall be governed by the laws of the State of Colorado, and any legal action concerning the provisions hereof shall be brought in the County of Adams, State of Colorado.

**9. SEVERABILITY**

If any article, section, paragraph, sentence, clause or phrase of this Agreement is held to be unconstitutional or invalid for any reason, such holding shall not affect the validity, enforceability or constitutionality of the remaining provisions of this Agreement.

**10. WAIVER OF BREACH**

A waiver by any party of a breach of any term or provision of this Agreement shall not operate or be construed as a waiver of any subsequent breach by either party.

**11. PARAGRAPH CAPTIONS**

The captions of the paragraphs are set forth only for the convenience and reference of the Cities and are not intended in any way to define, limit or describe the scope or intent of this Agreement.

**12. GOVERNMENTAL IMMUNITY**

The Cities acknowledge that each Party, their officers, and employees, are relying on, and do not waive or intend to waive, by any provision of this Agreement, the monetary limitations or any other rights, immunities, and protections provided by the Colorado Governmental Immunity Act, C.R.S. 24-10-101 et seq., as it is from time to time amended, or otherwise available to the Cities, their officers, or employees.

IN WITNESS WHEREOF, the Cities here have executed this Agreement effective as of the date first above written.

CITY OF THORNTON

\_\_\_\_\_  
Jack B. Ethredge, City Manager

ATTEST:

\_\_\_\_\_  
Nancy A. Vincent, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Margaret Emerich, City Attorney

CITY OF WESTMINSTER

\_\_\_\_\_  
Sam Dixon, Mayor Pro Tem

ATTEST:

\_\_\_\_\_  
Michele Kelley, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Martin McCullough, City Attorney



**WESTMINSTER  
COLORADO**

**Agenda Memorandum**

**Date:** July 10, 2000

**Subject:** Resolution No. 54 re Park Services Staffing/Promenade

**Prepared by** Richard Dahl, Park Services Manager

**Introduction**

City Council action is requested to approve the attached resolution which amends the 2000 Park Services authorized personnel to include the following indexed, non-benefited positions for The Promenade: Two (2) Custodian I .4 FTEs and One (1) Custodian I .2 FTE for a total increase of 1.0 FTE. Funds are available in the existing 2000 Promenade operating budget to cover this expense.

**Summary**

The following indexed permanent part-time, non-benefited positions are requested to provide for ongoing maintenance operations for the Westminster Promenade. The work assignments for these positions are currently being handled by seasonal staff.

Custodian I (Grade 27) .4FTE  
Custodian I (Grade 27) .4FTE  
Custodian I (Grade 27) .2FTE

**Total** **1.0 FTE**

The recommended pay and grade level for these positions is based on the 2000 City of Westminster Pay Plan as they relate to existing positions and will be paid for using existing funds in the Promenade Salaries Temporary Employees account. There is no request to increase funding for this Council action.

The indexed positions being requested will be authorized only for as long as the City has the maintenance contract and revenue source to maintain the Westminster Promenade Complex.

The Promenade budget currently has three (3) seasonal laborer positions available to perform maintenance duties at the Promenade on a yearly basis.

**Alternatives**

Deny the request to add three permanent, indexed, part-time, non-benefited positions to the Park Services authorized personnel for 2000 and continue to use seasonal labor to maintain the facility. If Council decides to take this option, Staff is concerned about the lack of a dependable work force to do this type of maintenance and would prefer to have the flexibility to keep good employees when the opportunity presents itself.

**Policy Decision**

Should Council amend the authorized personnel staffing plan for 2000 in order to MEET City guidelines on classification of seasonal and part-time employees, and to meet the ongoing needs for maintenance at the Promenade?

### **Staff Recommendation**

Adopt Resolution No. 54 amending the Park Services authorized personnel for 2000 by adding three (3) Indexed, permanent part-time, non-benefited Custodian I positions to be used for maintenance of the Westminster Promenade.

### **Background**

On October 12, 1998, Council authorized the City Manger to enter into a two-year automatically renewable agreement with American Multi-Cinema, Inc. Westminster Promenade (AMC) to perform maintenance at the Promenade. A new maintenance agreement with WestCol Center L.L.C. and WestCol Theatres was executed in June 2000 and extends the City's maintenance agreement for three years with one year automatic renewable periods unless amended.

As with other park operations, the City relies on seasonal employees to handle the bulk of maintenance tasks between April and October. However, the Promenade attracts visitors year-round due to the theatres, ice centre, shops, and restaurants, thereby extending the maintenance requirements to seven days a week, twelve months a year. Under the City's existing employment criteria, seasonal employees are only allowed to work during certain months and time periods of the year. The Promenade maintenance (trash, cleaning, repairs, etc.) requires flexibility for the hiring and keeping of employees as most of them are needed during the odd hours of late evenings and weekends. To fill this need, supervisors rely on individuals who need to work evenings and weekends usually around school or first or second jobs for the time periods that most suits the City and their own needs. Under the City's existing seasonal employment guidelines, these employees must be let go after a specific period of time even if they wish, and there is a need, for their continued employment at the Promenade.

Respectfully submitted,

William M. Christopher  
City Manager

Attachment: Resolution

RESOLUTION

RESOLUTION NO. 54

INTRODUCED BY COUNCILLORS

SERIES OF 2000

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WESTMINSTER PROMENADE STAFFING

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

WHEREAS, the salary schedule and authorized personnel schedule for the 2000 year were adopted by City Council by Resolution No.76 Series of 1999; and

WHEREAS, the City Council is adding indexed personnel to staff the maintenance operation for the Westminster Promenade;

NOW, THEREFORE, be it resolved that the Westminster City Council hereby authorized the salary schedule and authorized personnel schedule for the 2000 year, be amended by adding the positions listed below:

Grade	FTE	Position	Class Code
27	.4	(I) Custodian I	5107
27	.4	(I) Custodian I	5107
27	.2	(I) Custodian I	5107

BE IT FURTHER RESOLVED that the amendment shall be put into effect upon passage and adoption of this resolution.

Passed and adopted this 10<sup>th</sup> day of July, 2000.

ATTEST:

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Mayor Pro Tem

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City Clerk



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

**Date:** July 10, 2000  
**Subject:** Resolution No. 55 re Recreation Facility Fees  
**Prepared by:** Bill Walenczak, Director of Parks, Recreation and Libraries

**Introduction**

City Council action is requested to adopt the attached Resolution and chart of recommended recreation facility fees and recovery target percentages, and to allow the City Manager the authority to raise certain fees up to a specified limit. This item was reviewed at the post Study Session of June 26, and Council consensus was given to place it on a regular Council meeting agenda.

**Summary**

Each year, the Recreation Facilities Division reviews revenue/expenditure statistics, percentage of revenue recovery, usage patterns, operating policies, room rental policies, and survey data from Denver Metro area recreation facilities and private clubs.

This memorandum contains the following information and suggestions for changes to fees and policies at the City's six recreation facilities: City Park Recreation Center, City Park Fitness Center, Swim and Fitness Center, West View Recreation Center, Countryside Pool, and Kings Mill Pool. The Community Senior Center is not included in the Recreation Facilities Division and is not included in this fee review. If approved, the West View Recreation Center fees would go into effect immediately and the rest of the fee package would go into effect January 1, 2001.

Staff is bringing this to City Council at mid-year due to the July opening of West View Recreation Center, and now having received and evaluated end-of-year budget information for the first year of operation of the City Park Fitness Center.

This memorandum includes the following items for City Council review:

1. Revenue recovery target percentages information
2. Review of existing policies for Council approval of recreation facility fees and policies by the City Manager
3. Admission and pass fee survey information and proposed increases
4. FYI – Fee and policy changes previously authorized by the City Manager to the recreation centers' room rental program

**Item #1 – Revenue Recovery Target Information**

Refer to Chart A (attached) for detailed statistics.

In 1999, the revenue recovery percentages were as follows:

	<u>Target</u>	<u>1999 Actual</u>	<u>2000 &amp; 2001 Proposed</u>
City Park Recreation Center	65%	69%	67%
*City Park Fitness Center	70%	94%	85%
Swim and Fitness Center	40%	47%	42%
**Countryside Recreation Center	25%	25%	-0-
Kings Mill Pool	15%	15%	15%
West View Recreation Center	40%	N/A	40%

\*Note: The City Park Fitness Center was open for 10½ months in 1999. Staff suggests revising the target percentage from 70% to 85% for the City Park Fitness Center. Even though the percentage of recovery was 94% for the partial 1999 year, Staff believes that figure will decrease after a full 12-month operation versus 10 ½ months, and that 85% is a reasonable recovery rate for that center.

\*\* Note: Facility leased to Jefferson County Head Start.

One of the purposes of establishing target recovery percentages was to assist with gauging fee levels. Each year, Staff evaluates revenue recovery statistics, usage reports, and survey information from surrounding recreation centers, and some private businesses, to assist with recommending changes to the City’s fee structure.

**Item #2 – Review existing policy for approving recreation facility fees and policies**

In 1996, City Council adopted a policy of allowing the City Manager to approve certain changes to the recreation facilities’ fees and policies. At that time, the new policy stated the City Manager could adjust fees up to the Consumer Price Index (CPI) for the year in question.

For the past four years, recreation facility fees and policies have been adjusted annually. These adjustments have been smaller, annual increases, but they have always been above the CPI for the year. The CPI averages around a 2.5-3.5% increase. The fee increases which the Department of Parks, Recreation and Libraries have proposed each year (and City Council has authorized each year) are usually a \$.25 across the board increase to admission fees or a \$10-\$30 across the board increase to season passes. These increases result in percentage increases that are greater than the CPI. Thus, due to the provisions of the existing policy, it has always required City Council approval to adjust fees, even if the increase is only \$.25. For example, a City Park admission fee for a resident child is \$1.75. A \$.25 increase to that fee category is 14.3%. To increase that same fee and control it within the CPI figure of 3% for 2000 would result in an increase of \$.06. Adjustments of less than \$.25, do not allow the City’s recreation facility fees to stay in line with fees from other area recreation centers that are surveyed each year.

Staff proposes City Council consider changing the existing policy that links fee changes to the CPI to a policy that would authorize the City Manager to make adjustments up to a cap of \$.25 across the board to admission fees and up to a \$30 across the board increase to season passes. Any increases will be based on revenue needs and survey data of surrounding jurisdictions’ recreation fees.

This policy would be effective in allowing Staff to make timely, market-driven changes to fees, utilizing survey data, usage statistics, revenue recovery percentages, etc.

**Item #3 – Admission/Pass Fee Survey Information & Proposed Changes for 2000/2001**

Refer to Chart B and Chart C (attached) for detail statistics.



Chart B includes fee survey information for eleven local recreation agencies and three private health/fitness clubs. Chart C includes the survey averages for the eleven agencies and averages for five agencies with similar or neighboring facilities. Chart C also includes existing and proposed changes to the City fees, including fees for the new West View Recreation Center scheduled to open in July, 2000.

Fee increases that are proposed include a \$.25 increase to all admission fee categories at all four recreation centers (City Park Recreation Center, City Park Fitness Center, Swim and Fitness Center, and West View Recreation Center) and the two outdoor pools. With the exception of West View Recreation Center, Staff recommends that these fees go into effect January 1, 2001.

Increases to season passes are recommended to be from \$20-\$30 depending on the various pass categories, i.e., resident versus non-resident, adult versus youth, etc.

**Item #4 – FYI only – Fee and policy changes, previously authorized by the City Manager, to the recreation centers’ room rental program**

Refer to Chart D (attached) for details

In 1991, City Council authorized the City Manager to adjust fees and policies for the room rental program at the recreation centers. Chart D explains the changes for 2000.

Staff suggests the West View Recreation Center fees be effective immediately, and all other admission and pass fee changes to be effective January 1, 2001. The Recreation Facilities Division’s revenues are on schedule for 2000, and since fees have been increased for the past four years, waiting until January 1, 2001, would be a positive customer service gesture on the City’s part. The recommended increases are being brought to Council at this time to be able to address 2001 Budget projections.

These changes were proposed and approved to provide continued, competitive marketing of the various facility rooms that are rented for outside meetings and special events. Changes were also made to increase the revenue potential of the recreation facilities.

**Policy Issues**

- Staff is proposing changing the policy that currently allows the City Manager to increase recreation center fees only up to the CPI rate for that respective year. The new Resolution would allow the City Manager the flexibility to change recreation center fees with up to a \$.25 per admission cap and up to a \$30 per season pass cap. Data such as fee survey information, revenue recovery, and usage statistics would still be used to evaluate any fee increases. As has been done in the past, the City Manager would continue to inform City Council via Staff Reports prior to any fee changes.
- Staff is recommending fees for the new West View Recreation Center to be at the same level as fees for the Swim and Fitness Center and become effective immediately. Staff also recommends creating an upgraded pool pass category for West View Recreation Center that would be good at both Countryside and Kings Mill outdoor pools.

**Alternatives**

- City Council could elect to make changes to any or all categories and policies proposed by City Staff. However, Staff believes the fees and policies that are being proposed are the best approach with current usage statistics.
- City Council could elect to make all fee increases effective August 1, 2000, instead of January 1, 2001. Staff believes January 1, 2001 to be a better date, since current revenue estimates are on schedule and to give the customers a one year reprieve from fee increases.

- City Council could elect to leave any admission fee increases in the hands of City Council. However, Staff believes changing the policy to allow the City Manager more authority will streamline the process and allow for faster responses to marketing changes.

### **Recommendation**

Adopt Resolution No. approving the recreation facility fee schedule per the attached Chart C to become effective January 1, 2001, with the exception of West View Recreation Center fees, which will take effect immediately and authorizing the City Manager to raise daily admission fees annually at all recreation centers up to \$.25, and all season passes up to \$30 using data collected from other public and private facilities to warrant any changes.

### **Background Information**

The Recreation Facilities Division is responsible for the operation of the City's recreation centers (other than the Community Senior Center), the Westminster Sports Center, the Park Police Officer program, and the operation and maintenance of the Legacy Ridge and The Heritage Golf Courses.

This Staff Report involves fee and policy information for the four recreation centers. Previously, City Council has approved targets for revenue recovery percentages at the four recreation centers. To continue to manage the facilities in an effective, high-quality, business-like manner, fees and policies are reviewed annually.

Previously, City Council has recommended that Staff make annual adjustments versus adjustments every 2-4 years or more, to provide gradual fee increases instead of fewer, but larger, fee increases. This philosophy has worked very well, in Staff's opinion, with the exception of the policy of linking fee increases to the Consumer Price Index. However, since the Recreation Facilities Division's 2000 revenues are on schedule, Staff suggests forgoing fee increases in 2000 and making them effective January 2001.

City Council has previously approved two separate policies detailing how recreation facility fees are to be handled. Staff is suggesting changing the policy for admission and pass fees per the attached Resolution to be more responsive to market conditions.

Respectfully submitted,

William M. Christopher  
City Manager

Attachment: Resolution  
Chart A – Revenue/Expenditure Recovery Statistics  
Chart B – 2000 Fee Survey  
Chart C – Existing and Proposed Fees 2000  
Chart D – 2000 Room Rental Changes

RESOLUTION

RESOLUTION NO. **55**

INTRODUCED BY COUNCILLORS

SERIES OF 2000

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

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

WHEREAS, Staff's recommended recreation facility target recovery rates proposed for 2000 and 2001 are:

City Park Recreation Center -	67%
City Park Fitness Center -	85%
West View Recreation Center -	40%
Swim and Fitness Center -	42%
Countryside Recreation Center -	0%
Countryside Pool -	25%
Kings Mill Pool -	15%; and

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

WHEREAS, it is in the best interest of the City to authorize the City Manager to adjust daily admission fees annually up to \$.25 and all season passes up to \$30; and

WHEREAS, West View Recreation Center requires a fee schedule for its grand opening on July 22, 2000;

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

Passed and adopted this 10th day of July, 2000.

ATTEST:

\_\_\_\_\_  
Mayor Pro Tem

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



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

**Date:** July 10, 2000  
**Subject:** Resolution No. 56 re Heritage Golf Course Fee Increase  
**Prepared by:** Ken Watson, Recreation Facilities Manager

**Introduction**

City Council action is requested to adopt the attached Resolution and the chart of recommended Heritage Golf Course fees. This \$2 across the board increase will make the fees at The Heritage Golf Course the same as the fees at Legacy Ridge Golf Course.

**Summary**

City Staff is recommending to the City Council that greens fees at The Heritage Golf Course be raised \$2 across the board to match the fees currently charged at Legacy Ridge Golf Course. This adjustment is being recommended after a mid-year review of revenue production at Heritage. Council Resolution #50, Series 1993 gives the City Manager the authority to adjust green fees up to 10% annually. However, the City Manager exercised this authority for both golf courses on February 10, 2000, which means that further fee adjustments must be reviewed and approved by City Council.

**Policy Issue:**

- Does City Council wish to raise fees at the Heritage Golf Course at mid-year?
- Does City Council wish to have The Heritage Golf Course and Legacy Ridge Golf Course offer identical fee structures?
- Does City Council have a different approach to rebalance the Heritage Golf Course budget?

**Recommendation**

Adopt Resolution No. 56 approving the Heritage Golf Course fee increase of \$2 across the board per the attached chart to become effective immediately. This change would make The Heritage Golf Course fees consistent with those of Legacy Ridge Golf Course. A greens fee adjustment of \$2 per category is recommended in order to achieve a balanced revenue and expenditure picture for the remainder of 2000.

**Background Information**

The Heritage Golf Course opened on September 9, 1999. In order to promote this new golf course, City Staff recommended a special introductory fee rate that was \$2 lower than Legacy Ridge Golf Course for all greens fee categories. Staff did this, knowing that eventually the fees would need to be raised to maximize revenues. The 1999 revenue numbers for The Heritage came in right at Staff's projections. This was due to excellent weather conditions and the good reviews that the golf course received from the media and public. Based on that positive experience, Staff decided to keep the \$2 discount in place to begin the 2000 golf season.

Unfortunately, high winds this winter and spring at The Heritage cost the City 30 days of potential higher golf rounds. The Heritage location near the foothills gets harsher weather exposure than does Legacy Ridge, which is more protected from high winds. Another factor that has come to light is that the differential between resident and non-resident play is much different at The Heritage than that of Legacy Ridge. This differential shows that The Heritage is experiencing 28% non-resident play as compared to 60% non-resident play at Legacy Ridge. This means that The Heritage is getting \$9 less per round every time a non-resident qualifies to play The Heritage at resident rates. In rounds to date, this equates to a revenue loss of approximately \$36,000. This will more than double by the end of year if the current resident/non-resident trend continues.

The main reason for this differential is that the City agreed to allow all Jefferson County residents to play golf at The Heritage at resident rates. This was done as part of the agreement to receive a \$3.3 million grant from Jefferson County Open Space to help build the golf course. At the time, City Staff knew that this policy would impact golf course revenues, but was unable to predict precisely what that would be until user patterns could be established.

Staff has also reviewed expenditures for the Heritage Golf Course and the budget has been reduced by placing \$150,500 into a contingency account to assist in re-balancing this budget.

The bottom line is that The Heritage has fallen behind revenue projections for the 2000 calendar year. This increase in fees is part of Staff's overall evaluation of the Heritage Golf Course budget including both reduced expenditures and increase revenues. Given the enterprise status of the golf course operations it is important to assure sufficient revenues to cover needed expenditures.

Respectfully submitted,

William M. Christopher  
City Manager

Attachment

**Proposed Fee Increase for The Heritage Golf Course**

	<b>1999</b>	<b>2000</b>	<b>Mid-year 2000</b>	<b>Legacy</b>
			<b>Ridge</b>	
18 hole Resident Weekday	\$22	\$24	\$26	\$26
9 hole Resident Weekday	\$12	\$13	\$15	\$15
18 hole Non-Resident Weekday	\$30	\$33	\$35	\$35
9 hole Non-Resident Weekday	\$17	\$18	\$20	\$20
18 hole Resident Weekend	\$28	\$31	\$33	\$33
9 hole Resident Weekend	\$14	\$15	\$17	\$17
18 hole Non-Resident Weekend	\$36	\$39	\$41	\$41
9 hole Non-Resident Weekend	\$17	\$18	\$20	\$20
Cart Fees 18 hole	\$22	\$24	\$24	\$24
Cart Fees 9 hole	\$13	\$14	\$14	\$14
Reservation Card Resident	\$29	\$31	\$31	\$31
Reservation Card Non-Resident \$53				

RESOLUTION

RESOLUTION NO. **56**

INTRODUCED BY COUNCILLORS

SERIES OF 2000

A RESOLUTION OF THE CITY COUNCIL ESTABLISHING NEW FEES FOR THE HERITAGE GOLF COURSE, TO RESPOND TO MARKET CONDITIONS, MAINTAIN COMPETITIVE RATES, AND INCREASE REVENUE.

WHEREAS, it is the intent of the City Council to adjust fees to generate adequate revenue to support the enterprise at The Heritage Golf Course; and

WHEREAS, Staff has determined that a \$2 across the board increase is necessary to generate adequate revenue; and

WHEREAS, the fee increase of \$2 across the board would equalize the rates at The Heritage and Legacy Ridge Golf Courses; and

WHEREAS, it is the intent of the City Council to adjust fees to provide marketable, competitive fees.

NOW, THEREFORE, be it resolved by the Westminster City Council that the fees at The Heritage Golf Course will be increased \$2 across the board as follows:

18 hole Resident Weekday	\$26
9 hole Resident Weekday	\$15
18 hole Non-Resident Weekday	\$35
9 hole Non-Resident Weekday	\$20
18 hole Resident Weekend	\$33
9 hole Resident Weekend	\$17
18 hole Non-Resident Weekend	\$41
9 hole Non-Resident Weekend	\$20
Cart Fees 18 hole	\$24
Cart Fees 9 hole	\$14
Reservation Card Resident	\$31
Reservation Card Non-Resident	\$53

Passed and adopted this 10th day of July, 2000.

ATTEST:

\_\_\_\_\_  
Mayor Pro Tem

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



### WESTMINSTER COLORADO

#### **Agenda Memorandum**

**Date:** July 10, 2000

**Subject:** Councillor's Bill No. 60 re 2000 Budget Supplemental Appropriation

**Prepared by:** Ron Lay, Accountant

#### **Introduction**

City Council action is requested to pass the attached Councillor's Bill on first reading amending the 2000 budget appropriations in the General Fund and the General Capital Improvement Fund. These changes are housekeeping in nature, due to accounting requirements and/or reflect minimal additions to budgets.

#### **Summary**

The General Fund budget will be amended to reflect \$5,600 in grants revenue, \$21,000 in special promotion sponsorship revenue, \$17,000 in Pepsi Co. sponsorship revenue, \$111,035 in Police extra-duty revenue and \$1,909 in funds received from US West as a result of the Federal E-rate Program.

The General Capital Improvement Program Fund budget will be amended to reflect \$10,344 in interest revenue, \$1,250 in special promotion sponsorship revenue and \$1,000 for a partial settlement received as the result of mediation proceedings.

#### **Policy Issue**

The policy issue for City Council is to appropriate the unanticipated additional revenues described above or utilize these funds to increase reserves.

#### **Staff Recommendation**

Pass Councillor's Bill No. 60 on first reading providing for supplementary appropriations to the 2000 General Fund and General Capital Improvement Fund.

#### **Background Information**

- The General Fund budget will be increased to reflect an appropriation of \$5,600 in grant revenue received in 2000 by the State of Colorado, Department of Transportation. The DUI Law Enforcement Assistance Fund (LEAF) Grant was awarded for the purchase of a new Intoxilzer 5000 EN, which measures the blood alcohol content of DUI suspects.
- The General Fund budget will be increased to reflect an appropriation of \$21,000 in business sponsorship revenue received in support of the City's Showcase Breakfast Event. The funds will be utilized to offset the costs incurred by the City to sponsor the Showcase Breakfast Event.
- The General Fund budget will be increased to reflect a sponsorship payment of \$17,000 from the Pepsi Cola Co. This was received as part of an agreement between Pepsi Co. and the City. The agreement is to have the City use Pepsi products exclusively at all City facilities. The sponsorship payment will be utilized to partially fund the employee Christmas Party and the Westin Grand Opening employee luncheon.



- The General Fund budget will be increased to reflect an appropriation of \$111,035 in Police Department extra-duty revenues. Extra-duty revenues received by local businesses will be paid to the officers, via overtime pay, who worked the extra-duty.
- The General Fund budget will be increased to reflect an appropriation of \$1,909 for refunds received from US West. The Westminster Public Library received the funds as the result of the Federal E-rate Program, which provides discounted telecommunications rates for schools and libraries across the county. The proceeds will be utilized to partially fund the purchase of I-Gear software. The software will allow the Westminster Public Library to block patrons from using chat and e-mail on the library's computers. It can also be used to filter inappropriate web sites in the Children's area at College Hill Library.
- The General Capital Improvement Fund budget will be increased to reflect \$10,344 in interest earnings on the \$250,000 Urban Drainage and Flood Control Grant (UDFC Grant). The interest earnings will be utilized for costs associated with the Little Dry Creek Trail Project, as the UDFC Grant was awarded for that project.
- The General Capital Improvement Fund budget will be increased to reflect an appropriation of \$1,250 for business donations received to assist with the costs associated with the West View Recreation Center's Grand Opening.
- The General Capital Improvement Fund will be increased to reflect an appropriation of \$1,000 received from Thomas Tneyck as the result of mediation proceedings. This is the first of two payments that will be received from Mr. Teneyck and will be utilized to partially fund the Eagle exhibit at Standley Lake.

These 'housekeeping' adjustments will bring the City's accounting records up to date to reflect the various detailed transactions.

Respectfully submitted,

William M. Christopher  
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.  
SERIES OF 2000

COUNCILOR'S BILL NO. **60**  
INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE INCREASING THE 2000 BUDGET OF THE GENERAL AND GENERAL CAPITAL IMPROVEMENT FUNDS.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2000 appropriation for the General Fund, initially appropriated by Ordinance No. 2728 in the amount of \$61,747,852 is hereby increased by \$156,544 which, when added to the fund balance as of the City Council action on July 24, 2000 will equal \$63,794,149. 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 grant, special promotion sponsorship, extra-duty and Federal E-rate revenues.

Section 2. The \$156,544 increase in the General Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

Description	Current Budget	\$ Increase	Final Budget
<b>REVENUES</b>			
General Misc. Extra-Duty 10-1072-549	\$160,000	\$111,035	\$271,035
Contributions Misc. 10-1172-000	5,000	21,000	26,000
General Misc. Sponsorships 10-1072-045	0	17,000	17,000
Intergovernmental Police DUI Grant 10-0447-094	0	5,600	5,600
General Misc. 10-1072-000	160,000	<u>1,909</u>	161,909
Total Change to Revenues		<u>\$156,544</u>	
<b>EXPENSES</b>			
Salaries Overtime Extra-Duty 10-20-27-103-549	\$100,000	\$111,035	\$211,035
Special Promotions 10-30-34-245-000	37,500	21,000	58,500
Other Contractual Services 10-12-06-299-000	16,875	5,000	21,875
Professional Services 10-10-90-209-000	232,676	12,000	244,676

Other Equipment 10-20-50-406-000	63,903	5,600	69,503
Telephone 10-50-62-282-000	17,000	<u>1,909</u>	18,909
Total Change to Expenditures		<u>\$156,544</u>	

Section 3. The 2000 appropriation for the General Capital Improvement Fund, initially appropriated by Ordinance No. 2728 in the amount of \$12,699,851 is hereby increased by \$12,594 which, when added to the fund balance as of the City Council action on July 24, 2000 will equal \$16,447,034. The actual amount in the General Capital Improve. 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 interest, special sponsorship and mediation settlement revenues.

Section 4. The \$12,594 increase in the General Capital Improvement Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

Description	Current Budget	\$ Increase	Final Budget
<b>REVENUES</b>			
Intergovernmental Districts 75-0428-000	\$0	\$10,344	\$10,344
Contributions Business/Contractors 75-1108-000	575,770	1,250	577,020
General Misc. 75-1072-000	0	<u>1,000</u>	1,000
Total Change to Revenues		<u>\$12,594</u>	
<b>EXPENSES</b>			
Appropriations Holding – LDC Trail 75-50-88-555-367	\$50	\$10,344	\$10,394
Grand Openings West View Rec. Center 75-50-88-523-381	2,500	1,250	3,750
Appropriations Holding – Standley Lake Reg. Park 75-50-88-555-128	38,149	<u>1,000</u>	39,149
Total Change to Expenditures		<u>\$12,594</u>	

Section 5. – 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 6. This ordinance shall take effect upon its passage after the second reading.

Section 7. 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 26th day of June 2000.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED  
this \_\_\_\_\_ day of \_\_\_\_\_, 2000.

ATTEST:

\_\_\_\_\_  
Mayor

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





**WESTMINSTER  
COLORADO**

**Agenda Memorandum**

**Date:** July 10, 2000  
**Subject:** Quarterly Insurance Report  
**Prepared by:** Pierrette Ray, Risk Manager

**Introduction**

This Staff report provides a list of third party claims filed with the City from January 1, 2000 through March 31, 2000. This report also includes claim summaries for the first quarter 2000 and year to date 1999 and 1998. No Council action is required at this time.

**Summary**

For the first quarter 2000, Staff observed the following:

- The number of claims are down from the prior two years.
- The value of claims is up, \$872 from 1999, but down \$2862 from 1998.

**CLAIM SUMMARY – FIRST QUARTER ONLY 2000, 1999, and 1998**

	<u>2000</u>	<u>1999</u>	<u>1998</u>
Administration	0	1	0
Police Professional	1	3	1
Auto Liability	1	3	6
Streets and Roads	4	0	0
Sewer Backups	1	2	1
Water Operations	0	0	0
General Liability	0	3	2
<b>No. of Claims Filed</b>	7	12	10
<b>No. of Open Claims</b>	4	1	0
<b>Cost of Claims Pd to Date</b>	\$5076	\$4204	\$7938

Three of the reported claims, occurring in the year 2000, have been paid: one automobile liability claim where a Police Officer backed into a citizen vehicle in the amount of \$749; one streets and roads claim where the claimant tripped over an uneven portion of sidewalk scheduled for repair this summer in the amount of \$5,000; and one streets and roads claim where the claimant’s vehicle window was damaged during crack seal operations in the amount of \$76.73.

Two of the 12 reported claims that occurred in 1999 have been paid. One general liability claim for vehicle damage done by a sign that was hanging into the street cost the City \$523.26, and one claim for a sewer back-up was paid under the City’s sewer back-up policy for \$1,499.10. In addition to these settlement costs, investigation costs in a police professional claim cost the City \$2,064.60.

The ten reported claims that occurred in 1998 have been paid. Six claims involved employee at fault vehicle accidents: one in the Recreation Division, two in the Streets Division, two in the Utilities Division, and one in the Fire Department. These automobile liability claims totaled \$7,369.22.

CIRSA also settled a waterworks claim for damage to plumbing in the amount of \$230 caused by an increase in water pressure in the lines after crews worked on a water main break. Also, a sewer back up was paid in accordance with the City's sewer back-up policy in the amount of \$339.

The remainders of the claims were either denied for reasons such as provisions outlined in the Colorado Governmental Immunity Act or due to lack of liability on the part of the City.

For the year to date, Staff has noted the following:

- The year 2000 is off to a good start with only seven claims reported.
- The 1999 year claim costs are considerably higher due to the August 4, 1999 heavy rainstorm and subsequent flood that occurred primarily in the South Westminster area.

**Claims Summary – First Quarter 2000 and Year to Date 2000, 1999 and 1998**

	2000 <u>YTD</u>	2000 <u>TOTAL</u>	1999 <u>TOTAL</u>	1998 <u>TOTAL</u>
Administration	0	0	1	0
Police Professional	1	1	7	7
Auto Liability	1	1	15	22
Streets and Roads	4	4	2	3
Sewer Backups	1	1	43	2
Waterworks Operations	0	0	3	0
General Liability	0	0	15	9
<b>No. of Claims Filed</b>	7	7	86	48
<b>No. of Open Claims</b>	4	4	13	0
<b>Cost of Claims Pd to Date</b>	\$5076	\$5076	\$359,491	\$53,802

**Staff Recommendation**

Staff is not recommending any action at this time.

**Background**

The Risk Management Division received the following claims during the first quarter of 2000:

1. WS03110001 Date of Loss: October 21, 1992. Estate of Fred Guildner, c/o Edward H. Flitton, Attorney at Law, Holland & Hart, P.O. Box 2340, Colorado Springs, CO 80901. Claimant alleges the City is responsible for a loss of income and value of property claimant owns due to poor drainage caused by a drainage project the City is handling upstream from claimant's property. Claimant seeks an unspecified amount in damages. CIRSA is investigating the claim.
2. WS16680002 Date of Loss: October 9, 1999. Katie Lomba and Pat Perrault, 8310 Oakwood Street, Westminster, CO 80031. Claimants allege the City is responsible for paying the costs associated with repairing their personal sewer service line. Claimants allege that the line was damaged in the August 4, 1999 rainstorm. CIRSA denied the claim based on provisions in the Governmental Immunity Act.
3. WS11470003 Date of Loss: January 14, 2000. Jean Garcia, 7491 Eliot Street, Westminster, CO 80030. Claimant alleges the City is responsible for injuries she suffered when she tripped over a raised portion of sidewalk on 74<sup>th</sup> Avenue between Federal Boulevard and Eliot Street. Claimant seeks \$10,496 in damages. CIRSA settled the claim for \$5,000 in damages.

4. WS10340004 Date of Loss: December 20, 1999. Denise Marshall, 7974 Flower Street, Arvada, CO 80005. Claimant alleges the City owes her damages for costs resulting from an automobile accident claimant's daughter experienced involving two other citizens. Claimant alleges the Westminster Police Officer who responded to the accident failed to take down the names of the other two parties involved, and therefore claimant's insurance company was unable to collect damages for the costs to repair her vehicle and for the cost of a rental car. As a result, claimant seeks reimbursement of her insurance deductible and the cost of the rental car. CIRSA denied the claim based on provisions in the Governmental Immunity Act.
5. WS16680005 Date of Loss: Unknown – Approximately November 1, 1999. Rickey Wittman, 3525 West 80<sup>th</sup> Avenue, Westminster, CO 80030. Claimant alleges that frequent sewer back-ups at his home are the result of work done by the City to install water lines at 80<sup>th</sup> Avenue and Lowell Boulevard. Claimant declined to seek damages from the City after Utilities crews repaired the broken sewer line, thus eliminating the problem. CIRSA closed the claim.
6. WS10360006 Date of Loss: January 30, 2000. Felix J. Marquez, 179 Mead Street, Denver, CO. Claimant alleges Police officers used unnecessary force to detain him. CIRSA is investigating the claim.
7. WS1250007 Date of Loss: November 6, 1999. Barbara Campbell, 1237 West 135<sup>th</sup> Drive, Westminster, CO 80234. Claimant alleges the City is responsible for paying costs incurred when she had to replace personal belongings lost when her locker was opened by a recreation center employee for the wrong individuals and her purse was stolen. CIRSA settled the claim for \$987.93.
8. WS1250009 Date of Loss: December 27, 1999. Vito Miceli, 156 Wall Street, Port Orange, FL 32127. Claimant alleges the City is responsible for unpaid medical bills incurred when claimant tripped over a mat and fell outside of the Swim and Fitness Center. CIRSA settled the claim for \$300.
9. WS16680010 Date of Loss: March 6, 2000. Ray Stephens, 7811 Xavier Street, Westminster, CO 80030. Claimant alleges the City is responsible for costs incurred when he hired a plumber to find out what was causing his sewer to back up. The back-ups were caused when Utilities crews damaged the main sewer line outside of Mr. Stephens' home while performing work on a water line. Claimant seeks \$366.50 in costs as well as compensation for his time and trouble. CIRSA is working to settle the claim for an as yet unspecified amount.
10. WS14620011 Date of Loss: March 10, 2000. Troy Mossoni, 620 Walnut Street, Louisville, CO 80027. Claimant alleges employees in the Street Division damaged his vehicle window while performing crack seal operations on 109<sup>th</sup> Circle. CIRSA settled the claim for \$76.73.
11. WS10360012 Date of Loss: January 1, 2000. Evelyn Porth, 3141 Mowry Place, Westminster, CO 80031. Claimant alleges that a Westminster Police Officer responding to a call backed into her vehicle in a parking lot. Claimant seeks approximately \$2,500 in damages. CIRSA is investigating the claim.

Respectfully submitted,

William M. Christopher  
City Manager



## Summary of Proceedings

Summary of proceedings of the regular City of Westminster City Council meeting of Monday, July 10, 2000

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

The minutes of the June 26, 2000 Council meeting were approved with no additions or corrections.

The Mayor Pro Tem present a proclamation to Tom Ward Jr for his work with students at Standley Lake High School and to George Joe Sakato for his recent Medal of Honor recognition.

Council approved the following: Cash Receipting System with Paradigm Consulting Group for \$69,215; Bids re NorthPark Traffic Calming Project to K.E.C.I. Colorado Inc for \$175,746; Westminster Boulevard Extension to SEMA Construction for \$6,523,033 and MK Centennial for \$685,000 for construction engineering; Semper Water Treatment Facility Rehabilitation Final Contract Payment to Restruction Corp for \$70,000; Westminster Promenade West – Developer Reimbursements for City owned Arcades to WestCol Center for \$101,245.54 and Dave and Buster's Inc for \$25,373; Shaw Heights Water Rehabilitation Project to Levi Construction for \$544,100; Standley Lake Phase I Change Order/Construction Services with DHM Design for \$45,000; IGA with Thornton re Professional Consulting Services for I-25 Corridor Area; Computer Aided Dispatch/Records Management System for \$1,473,475 with Intergraph Public Safety Systems

Council appointed Gary Bushy as the Volunteer Fire Pension Board Appointment with the term of office to expire on December 31, 2001.

Council set the deadline of October 31, 2000 for persons to apply for future Board and Commission vacancies.

Council approved the following: Bids for 2000 Traffic Signal Projects with Colorado Signal Inc in the amount of \$183,217; Preliminary Development Plan/Official Development Plan for East Bay Development; Preliminary Development Plan for BAM Pet Hospital; IGA with Northglenn, Thornton, Farmers Reservoir and Coors Brewing Co re Settlement of Water Quality Issues with Black Hawk and Central City, with payment of \$157,500 into escrow account; Amendment to North I-25 IGA with Thornton; IGA with Thornton relocation of United Power Electric Substation located at 136<sup>th</sup> Ave & I-25 with amendment

The following Resolutions were adopted by City Council:

- Resolution No. 51 re Findings re Annexation of East Bay Development
- Resolution No. 52 Findings re Annexation of BAM Animal Hospital
- Resolution No. 53 re Estate at Wexford Service Commitment Award B-3 Category Extension
- Resolution No. 54 re Park Services Staffing for Promenade Maintenance
- Resolution No. 55 re Recreation Facility Fees

The following public hearings were held: At 8:12 P.M. City Budget for 2001; at 8:26 P.M. Annexation/Zoning and PDP for Freedom Inc, City Open Space and Jefferson Academy located north and south side of 99<sup>th</sup> Avenue west of Wadsworth Boulevard which was continued until July 24<sup>th</sup>; at 9:21 P.M. East Bay Senior Housing Annexation, PDP/ODP and Comprehensive Land Use Plan Amendment located south side of 68<sup>th</sup> Avenue west of Lowell Boulevard; and at 9:40 P.M. BAM Animal Hospital Annexation, Zoning and PDP 4.55 acres located at 7453 West 105th Avenue

Council tabled action on the following items: Resolution No. 50 Findings re Annexation of City Open Space and Freedom Inc Properties; Finding on Annexation of Jefferson Academy property; Councillor's Bill No. 53 re Annexation of City Open Space and Freedom Inc. Properties; Councillor's Bill No. 54 re Zoning City Open Space Property and Freedom Inc. Property; Preliminary Development Plan for Freedom Inc. Property and Resolution No. 56 re Heritage Golf Course Green Fee Increase

The following Councillor's Bill were passed on first reading:

A BILL FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN A PARCEL OF LAND LOCATED IN SECTION 6, TOWNSHIP 3 SOUTH, RANGE 68 WEST, 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO. Purpose: Annexing 1.46 acres of East Bay Development

A BILL FOR AN ORDINANCE AMENDING THE ZONING LAW AND ESTABLISHING THE ZONING CLASSIFICATION OF CERTAIN DESCRIBED PROPERTY IN A PARCEL OF LAND LOCATED IN SECTION 6, TOWNSHIP 3 SOUTH, RANGE 68 WEST, 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO. Purpose: Zoning 1.46 acres of East Bay Development PUD

A BILL FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN.  
Purpose: Amending Comprehensive Land Use Plan to include East Bay Development

A BILL FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN A PARCEL OF LAND LOCATED IN SECTION 11, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO.  
Purpose: Annexation of 4.55 acre BAM Animal Hospital

A BILL FOR AN ORDINANCE AMENDING THE ZONING LAW AND ESTABLISHING THE ZONING CLASSIFICATION OF CERTAIN DESCRIBED PROPERTY IN A PARCEL OF LAND LOCATED IN SECTION 11, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO. Purpose: Zoning BAM Animal Hospital

A BILL FOR AN ORDINANCE INCREASING THE 2000 BUDGET OF THE GENERAL AND GENERAL CAPITAL IMPROVEMENT FUNDS. Purpose: Supplemental Appropriation for grant revenue, special promotion sponsorship revenue, police extra duty revenue, Federal E-rate program revenue; interest revenue and partial settlement

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

A BILL FOR AN ORDINANCE INCREASING THE 2000 BUDGET OF THE COMMUNITY DEVELOPMENT BLOCK GRANT FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2000 ESTIMATED REVENUES IN THE FUND.

A BILL FOR AN ORDINANCE INCREASING THE 2000 BUDGET OF THE GENERAL, UTILITY, FLEET, OPEN SPACE, GENERAL CAPITAL IMPROVEMENT AND DEBT SERVICE FUNDS AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 1999 CARRYOVER IN THE VARIOUS FUNDS.

A BILL FOR AN ORDINANCE INCREASING THE 2000 BUDGET OF THE GENERAL, FLEET AND UTILITY FUNDS AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 1999 CARRYOVER IN THE VARIOUS FUNDS

At 11:05 P.M. the meeting was adjourned.  
By order of the Westminster City Council  
Michele Kelley, CMC, City Clerk

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